TITLE 25.—INDIANS

Chap. Sec.

16. Distribution of Judgment Funds [New]..... 1401
17. Financing Economic Development of Indians and Indian Organizations [New]..... 1451

Chapter 1.—BUREAU OF INDIAN AFFAIRS

Sec.

13a. Same; carryover of unobligated and unexpended appropriations [New].

EX. ORD. NO. 11399. NATIONAL COUNCIL ON INDIAN OPPORTUNITY

Ex. Ord. No. 11399, Mar. 6, 1968, 33 F.R. 4245, as amended by Ex. Ord. No. 11551, Aug. 11, 1970, 35 F.R. 12885; Ex. Ord. No. 11688, Dec. 1, 1972, 37 F.R. 25815, provided:

SECTION 1. *Establishment of Council.* There is hereby established The National Council on Indian Opportunity (hereinafter referred to as the "Council"). The Council shall have membership as follows: The Vice President of the United States who shall be the chairman of the Council, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity, and eight Indian leaders appointed by the President of the United States for terms of two years. In order to provide staggered terms for Indian-leader members of the Council appointed after August 31, 1972, the President shall, notwithstanding the terms prescribed by the last phrase of the preceding sentence, appoint four Indian-leaders to serve as members of the Council for terms ending August 31, 1973, and four for terms ending August 31, 1974. Each of their successors shall be appointed for a term of two years from the date of the expiration of the term for which his predecessor was appointed. Any Indian-leader member appointed to fill a vacany occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

* * * * *

§ 7. Fees for furnishing certified copies of records.

The Commissioner of Indian Affairs shall have the custody of said seal, and shall furnish certified copies of any such records, books, maps, or papers belonging to or on the files of said office, to any person applying therefor who shall comply with the requirements of said office, upon the payment by such parties at the rate of 10 cents per hundred words, and $1 for copies of maps or plats, and the additional sum of 25 cents for the commissioner's certificate of verification, with the seal of said office; and one of the employees of said office shall be designated by the commissioner as the receiving clerk, and the amounts so received shall, under the direction of the commissioner, be paid into the Treasury of the United States; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government or by any Indian who shall satisfy the commissioner by satisfactory legal evidence that he or she is not able, by reason of poverty, to pay such fees, nor for such unverified copies as the commissioner in his discretion may deem proper to furnish. (As amended June 6, 1972, Pub. L. 92–310, title II, § 229(b) 86 Stat. 208.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which required the receiving clerk to give a bond in the sum of $1,000.

§ 13. Expenditure of appropriations by Bureau of Indian Affairs.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13a, 450f, 450h, 903a of this title; title 40 App. section 214.

§ 13a. Same; carryover of unobligated and unexpended appropriations.

The provisions of any other laws to the contrary notwithstanding, any funds appropriated pursuant to the Act of November 2, 1921, for any fiscal year which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year. (Pub. L. 93–638, § 8, Jan. 4, 1975, 88 Stat. 2206.)

REFERENCES IN TEXT

The Act of November 2, 1921, referred to in text, is classified to section 13 and former section 52a of this title.

Chapter 2.—OFFICERS OF INDIAN AFFAIRS

§ 48. Right of tribes to direct employment of persons engaged for them.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4501 of this title.

§ 51. Repealed. Pub. L. 92–310, title II, § 229(a), June 6, 1972, 86 Stat. 208.

Section, R.S. § 2075, empowered the President to require additional security from persons charged with disbursement of money or goods.

§ 52. Repealed. Pub. L. 92–310, title II, § 229(e), June 6, 1972, 86 Stat. 208.

Section, act Apr. 30, 1908, ch. 153, 35 Stat. 71, empowered the Secretary of the Interior to require new bonds from disbursing officers.

§ 52a. Repealed. Pub. L. 92–310, title II, § 229(e)(2), June 6, 1972, 86 Stat. 208.

Section, act Apr. 21, 1904, ch. 1402, 33 Stat. 191, related to special bonds for large per capita payments.

§ 53. Disbursing officers; acting clerks.

Any disbursing agent of the Indian Service, with the approval of the Commissioner of Indian Affairs, may authorize a clerk employed in his office to act in his place and discharge all the duties devolved upon him by law or regulations during such time as he may be unable to perform the duties of his position because of absence, physical disability, or other disqualifying circumstances: *Provided*, That such clerk, while acting for his principal, shall be subject to all the liabilities and penalties prescribed by law

for official misconduct of disbursing agents. (As amended June 6, 1972, Pub. L. 92–310, title II, § 229(f), 86 Stat. 209.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which related to the official bond of the disbursing agent.

§ 57. Heat and light for employees' quarters.

The Secretary of the Interior is authorized to allow employees in the Indian Service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place. (Aug. 1, 1914, ch. 222, § 1, 38 Stat. 584; May 25, 1918, ch. 86, § 1, 40 Stat. 564; Mar. 3, 1925, ch. 462, 43 Stat. 1147.)

CODIFICATION

Proviso excluding heat and light expenditures for agency purposes from maximum amount of employees' compensation prescribed by section 58 of this title was omitted as obsolete with repeal of former provision of section 58 of this title which imposed a salary limitation of $15,000 at any one agency and $20,000 at a consolidated agency by act Feb. 26, 1929, ch. 323, 45 Stat. 1307.

§ 66. Duties of agency devolved on superintendent of Indian school.

The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency.

The pay of any superintendent who performs agency duties in addition to those of his superintendency may be increased by the Commissioner of Indian Affairs, in his discretion, to an extent not exceeding $300 per annum. (As amended June 6, 1972, Pub. L. 92–310, title II, § 229(d), 86 Stat. 208.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which required the superintendent of the Indian school to give a bond as other Indian agents.

Chapter 2A.—INDIAN CLAIMS COMMISSION

Sec.

70v–2. Report each session to Congressional Committees on status of Commission work remaining to be completed [New].

§ 70a. Jurisdiction; claims considered; offsets and counterclaims.

* * * * *

In determining the quantum of relief the Commission shall make appropriate deductions for all payments made by the United States on the claim, and for all other offsets, counterclaims, and demands that would be allowable in a suit brought in the Court of Claims under section 250 of Title 28: *Provided,* That expenditures for food, rations, or provisions shall not be deemed payments on the claim. The Commission may also inquire into and consider all money or property given to or funds expended gratuitously for the benefit of the claimant and if it finds that the nature of the claim and the entire course of dealings and accounts between the United States and the claimant in good conscience warrants such action, may set off all or part of such expenditures against any award made to the claimant, except that it is declared to be the policy of Congress that monies spent for the removal of the claimant from one place to another at the request of the United States, or for agency or other administrative, educational, health or highway purposes, or for expenditures made prior to the date of the law, treaty or Executive Order under which the claim arose, or for expenditures made pursuant to sections 461, 462, 463, 464, 465, 466 to 470, 471 to 473, 474, 475, 476 to 478 and 479 of this title, save expenditures made under section 465 of this title, or for expenditures under any emergency appropriation or allotment made subsequent to March 4, 1933, and generally applicable throughout the United States for relief in stricken agricultural areas, relief from distress caused by unemployment and conditions resulting therefrom, the prosecution of public work and public projects for the relief of unemployment or to increase employment, and for work relief (including the Civil Works Program) shall not be a proper offset against any award. (As amended Oct. 27, 1974, Pub. L. 93–494, § 2, 88 Stat. 1499.)

REFERENCES IN TEXT

Section 250 of Title 28, referred to in text, was repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992, and is now covered by sections 1491, 1496, 1501, 1503, and 2501 of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1974—Pub. L. 93–494 added proviso that expenditures for food, rations, or provisions shall not be deemed payments on the claim in provisions requiring the Commission to make appropriate deductions for payments made by the United States on the claim and all other offsets, counterclaims, and demands that would be allowable in suits brought in the Court of Claims under section 250 of Title 28 in determining the quantum of relief.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 70j, 70v of this title.

§ 70e. Itemized vouchers required for Commission expenses; authorization of appropriations.

There are authorized to be appropriated for the necessary expenses of the Commission not to exceed $1,500,000 for fiscal year 1973, and appropriations for succeeding fiscal years shall be made only to the extent hereafter authorized by Act of Congress. (As amended Mar. 30, 1972, Pub. L. 92–265, § 5, 86 Stat. 115.)

AMENDMENTS

1972—Pub. L. 92–265 authorized appropriations of not to exceed $1,500,000 for fiscal year 1973, with future appropriations to be made only upon future authorizations made by Congress.

§ 70n–1. Expert assistance for preparation and trial of claims; revolving fund established for loans.

There is hereby authorized to be appropriated the sum of $2,700,000 for the establishment of a revolving fund from which the Secretary of the Interior may make loans to Indian tribes and bands and to other identifiable groups of American Indians residing within the territorial limits of the United States for use by them in obtaining expert assistance, other than the assistance of counsel, for the

preparation and trial of claims pending before the Indian Claims Commission. (As amended Pub. L. 93–37, § 2, May 24, 1973, 87 Stat. 73.)

AMENDMENTS

1973—Pub. L. 93–37 increased the sum authorized to be appropriated from $1,800,000 to $2,700,000.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 70n–2, 70n–4, 70n–5 of this title.

§ 70n–3. Repealed. Pub. L. 93–608, § 1(16), Jan. 2, 1975, 88 Stat. 1970.

Section, Pub. L. 88–168, § 3, Nov. 4, 1963, 77 Stat. 301, required a report to the Committees on Interior and Insular Affairs of the Senate and House of Representatives on every loan made under sections 70n–1 to 70n–7 of this title.

§ 70v. Dissolution of Commission and disposition of pending claims.

The existence of the Commission shall terminate at the end of fifteen years from and after April 10, 1962, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it. Upon its dissolution the records and files of the Commission in all cases in which a final determination has been entered shall be delivered to the Archivist of the United States. The records and files in all other pending cases, if any, including those on appeal shall be transferred to the United States Court of Claims, and jurisdiction is hereby conferred upon the United States Court of Claims to adjudicate all such cases under the provisions of section 70a of this title: *Provided*, That section 70a of this title shall not apply to any case filed originally in the Court of Claims under section 1505 of Title 28. (As amended Mar. 30, 1972, Pub. L. 92–265, § 1, 86 Stat. 114.)

AMENDMENTS

1972—Pub. L. 92–265 extended to fifteen years from and after April 10, 1962, the termination date of the Commission and added provisions for the disposition at that time of all records and files in pending cases in which a final determination has not been entered.

§ 70v–1. Trial calendar.

(a) Preparation.

The Commission from time to time shall prepare a trial calendar which shall set a date for the trial of the next phase of each claim as soon as practical after a decision of the Commission or the United States Court of Claims or the Supreme Court of the United States makes such setting possible, but such date shall not be later than one year from the date of such decision except on a clear showing by a party that irreparable harm would result unless longer preparation were allowed.

(b) Penalty for failure to proceed with trial on date set.

If a claimant fails to proceed with the trial of its claim on the date set for that purpose, the Commission may enter an order dismissing the claim with prejudice or it may reset such trial at the end of the calendar. (As amended Mar. 30, 1972, Pub. L. 92–265, §§ 2, 3, 86 Stat. 115.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–265, § 2, substituted provisions directing the Commission to prepare from time to time a trial calendar for the trial of the next phase of each claim within one year after a decision except where irreparable harm would be done unless longer preparation were allowed, for provisions directing the Commission to prepare, not later than one year after April 10, 1967, a trial calendar setting a date, not later than December 31, 1970, for the trial of each claim pending before the Commission.

Subsec. (b). Pub. L. 92–265, § 3, substituted provisions allowing the Commission to reset trials at the end of the calendar when claimants fail to proceed with the trial on the date set, for provisions making mandatory the dismissal of claims with prejudice when claimants fail to proceed with the trial on the date set but allowing for the grant of continuances.

§ 70v–2. Report each session to Congressional Committees on status of Commission work remaining to be completed.

The Commission shall, on the first day of each session of Congress, submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives, a report showing the progress made and the work remaining to be completed by the Commission, as well as the status of each remaining case, along with a projected date for its completion. (Aug. 13, 1946, ch. 959, § 28, as added Mar. 30, 1972, Pub. L. 92–265, § 4, 86 Stat. 115.)

Chapter 5.—PROTECTION OF INDIANS

§ 174. Superintendence by President over tribes west of Mississippi.

AMERICAN INDIAN POLICY REVIEW COMMISSION

Pub. L. 93–580, Jan. 2, 1975, 88 Stat. 1910, as amended by Pub. L. 94–80, Aug. 9, 1975, 89 Stat. 415, provided: "That

"CONGRESSIONAL FINDINGS

"The Congress, after careful review of the Federal Government's historical and special legal relationship with American Indian people, finds that—

"(a) the policy implementing this relationship has shifted and changed with changing administrations and passing years, without apparent rational design and without a consistent goal to achieve Indian self-sufficiency;

"(b) there has been no general comprehensive review of conduct of Indian affairs by the United States nor a coherent investigation of the many problems and issues involved in the conduct of Indian affairs since the 1928 Meriam Report conducted by the Institute for Government Research; and

"(c) in carrying out its responsibilities under its plenary power over Indian affairs, it is imperative that the Congress now cause such a comprehensive review of Indian affairs to be conducted.

"DECLARATION OF PURPOSE

"Congress declares that it is timely and essential to conduct a comprehensive review of the historical and legal developments underlying the Indians' unique relationship with the Federal Government in order to determine the nature and scope of necessary revisions in the formulation of policies and programs for the benefit of Indians.

"[ESTABLISHMENT; MEMBERSHIP; QUORUM; COMPENSATION]

"[Sec. 1] (a) In order to carry out the purposes described in the preamble hereof and as further set out herein, there is hereby created the American Indian Policy Review Commission, hereinafter referred to as the Commission.

"(b) The Commission shall be composed of eleven members, as follows:

"(1) three Members of the Senate appointed by the President pro tempore of the Senate, two from the majority party and one from the minority party;

"(2) three Members of the House of Representatives appointed by the Speaker of the House of Representatives, two from the majority party and one from the minority party; and

"(3) five Indian members as provided in subsection (c) of this section.

"(c) At its organization meeting, the members of the Commission appointed pursuant to section (b)(1) and (b)(2) of this section shall elect from among their members a Chairman and a Vice Chairman. Immediately thereafter, such members shall select, by majority vote, five Indian members of the Commission from the Indian community, as follows:

"(1) three members shall be selected from Indian tribes that are recognized by the Federal Government;

"(2) one member shall be selected to represent urban Indians; and

"(3) one member shall be selected who is a member of an Indian group not recognized by the Federal Government.

None of the Indian members shall be employees of the Federal Government concurrently with their term of service on the Commission nor shall there be more than one member from any one Indian tribe.

"(d) Vacancies in the membership of the Commission shall not affect the power of the remaining members to execute the functions of the Commission and shall be filled in the same manner as in the case of the original appointment.

"(e) Six members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings: *Provided*, That at least one congressional member must be present at any Commission hearing.

"(f) Members of the Congress who are members of the Commission shall serve without any compensation other than that received for their services as Members of Congress, but they may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Commission.

"(g) The Indian members of the Commission shall receive compensation for each day such members are engaged in the actual performance of duties vested in the Commission at a daily rate not to exceed the daily equivalent of the maximum annual compensation that may be paid to employees of the United States Senate generally. Each such member may be reimbursed for travel expenses, including per diem in lieu of subsistence.

"[COMPREHENSIVE INVESTIGATION AND STUDY]

"SEC. 2. It shall be the duty of the Commission to make a comprehensive investigation and study of Indian affairs and the scope of such duty shall include, but shall not be limited to—

"(1) a study and analysis of the Constitution, treaties, statutes, judicial interpretations, and Executive orders to determine the attributes of the unique relationship between the Federal Government and Indian tribes and the land and other resources they possess:

"(2) a review of the policies, practices, and structure of the Federal agencies charged with protecting Indian resources and providing services to Indians: *Provided*, That such review shall include a management study of the Bureau of Indian Affairs utilizing experts from the public and private sector;

"(3) an examination of the statutes and procedures for granting Federal recognition and extending services to Indian communities and individuals;

"(4) the collection and compilation of data necessary to understand the extent of Indian needs which presently exist or will exist in the near future;

"(5) an exploration of the feasibility of alternative elective bodies which could fully represent Indians at the national level of Government to provide Indians with maximum participation in policy formation and program development;

"(6) a consideration of alternative methods to strengthen tribal government so that the tribes might fully represent their members and, at the same time, guarantee the fundamental rights of individual Indians; and

"(7) the recommendation of such modification of existing laws, procedures, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy and declaration of purposes as set out above.

"POWERS OF THE COMMISSION

"SEC. 3. (a) The Commission or, on authorization of the Commission, any committee of two or more members is authorized, for the purposes of carrying out the provisions of this resolution, to sit and act at such places and times during the session, recesses, and adjourned period of Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Commission may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Commission unless a majority of the Commission assent. Upon the authorization of the Commission subpenas may be issued over the signature of the Chairman of the Commission or of any member designated by him or the Commission, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Commission or any member thereof may administer oaths or affirmations to witnesses.

"(b) The provisions of sections 192 through 194, inclusive, of title 2, United States Code, shall apply in the case of any failure of any witness to comply with any subpena when summoned under this section.

"(c) The Commission is authorized to secure from any department, agency, or instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this resolution and each such department, agency, or instrumentality is authorized and directed to furnish such information to the Commission and to conduct such studies and surveys as may be requested by the Chairman or the Vice Chairman when acting as Chairman.

"(d) If the Commission requires of any witness or of any Government agency the production of any materials which have theretofore been submitted to a Government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held in confidence by the Commission.

"(e) The Commission is authorized to accept and use donations of money, property (whether real or personal), and uncompensated services from any person whether public or private for the purpose of carrying out the provisions of this resolution.

"(f) Matter mailed by the Commission may be mailed under the frank of any Member of Congress who is serving as the Chairman of the Commission.

"INVESTIGATING TASK FORCES

"SEC. 4. (a) As soon as practicable after the organization of the Commission, the Commission shall, for the purpose of gathering facts and other information necessary to carry out its responsibilities pursuant to section 2 of this resolution, appoint investigating task forces to be composed of three persons, a majority of whom shall be of Indian descent. Such task forces shall be appointed and directed to make preliminary investigations and studies in the various areas of Indian affairs, including, but not limited to—

"(1) trust responsibility and Federal-Indian relationship, including treaty review;

"(2) tribal government;

"(3) Federal administration and structure of Indian affairs;

"(4) Federal, State, and tribal jurisdiction;

"(5) Indian education;

"(6) Indian health;

"(7) reservation development;

"(8) urban, rural nonreservation, terminated, and nonfederally recognized Indians; and

"(9) Indian law revision, consolidation, and codification.

"(b)(1) Such task forces shall have such powers and authorities, in carrying out their responsibilities, as shall be conferred upon them by the Commission, except that they shall have no power to issue subpenas or to admin-

ister oaths or affirmations: *Provided*, That they may call upon the Commission or any committee thereof, in the Commission's discretion, to assist them in securing any testimony, materials, documents, or other information necessary for their investigation and study.

"(ii) The Commission shall require each task force to provide written quarterly reports to the Commission on the progress of the task force and, in the discretion of the Commission, an oral presentation of such report. In order to insure the correlation of data in the final report and recommendations of the Commission, the Director of the Commission shall coordinate the independent efforts of the task force groups.

"(c) The Commission may fix the compensation of the members of such task forces at per annum gross rates or at a rate not to exceed the daily equivalent of the highest rate of annual compensation that may be paid to employees of the United States Senate generally.

"(d) The Commission shall, pursuant to section 6, insure that the task forces are provided with adequate staff support in addition to that authorized under section 6(a), to carry out the projects assigned to them.

"(e) Each task force appointed by the Commission shall, within one year from the date of the appointment of its members, submit to the Commission its final report of investigation and study together with recommendations thereon.

"REPORT OF THE COMMISSION

"SEC. 5. (a) Upon the report of the task forces made pursuant to section 4 hereof, the Commission shall review and compile such reports, together with its independent findings, into a final report. Within six months after the reports of the investigating task forces, the Commission shall submit its final report, together with recommendations thereon, to the President of the Senate and the Speaker of the House of Representatives. The Commission shall cease to exist six months after submission of said final report but not later than June 30, 1977. All records and papers of the Commission shall thereupon be delivered to the Administrator of the General Services Administration for deposit in the Archives of the United States.

"(b) Any recommendation of the Commission involving the enactment of legislation shall be referred by the President of the Senate or the Speaker of the House of Representatives to the appropriate standing committee of the Senate and House of Representatives, respectively, and such committees shall make a report thereon to the respective house within two years of such referral.

"COMMISSION STAFF

"SEC. 6. (a) The Commission may by record vote of a majority of the Commission members, appoint a Director of the Commission, a General Counsel, one professional staff member, and three clerical assistants. The Commission shall prescribe the duties and responsibilities of such staff members and fix their compensation at per annum gross rates not in excess of the per annum rates of compensation prescribed for employees of standing committees of the Senate.

"(b)(1) In carrying out its functions under this resolution, the Commission is authorized to utilize the services, information, facilities, and personnel of the executive departments and agencies of the Government with or without reimbursement, and the head of any such department or agency is authorized to provide the Commission such services, facilities, information, and personnel to the Commission.

"(2) The Commission is authorized to procure the temporary or intermittent services of experts or consultants or organizations thereof by contract at rates of compensation not in excess of the daily equivalent of the highest per annum rate of compensation that may be paid to employees of the Senate generally.

"(c) A person who provides voluntary and uncompensated services to the Commission shall not by reason of such service be deemed to be an employee of the United States. Any such person may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their service to the Commission upon the approval of the Chairman.

"[AUTHORIZATION OF APPROPRIATIONS]

"SEC. 7. There is hereby authorized to be appropriated a sum not to exceed $2,500,000 to carry out the provisions of this resolution. Until such time as funds are appropriated pursuant to this section, salaries and expenses of the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman. To the extent that any payments are made from the contingent fund of the Senate prior to the time appropriation is made, such payments shall be chargeable against the maximum amount authorized herein."

Chapter 6.—GOVERNMENT OF INDIAN COUNTRY AND RESERVATIONS

§ 211. Creation of Indian Reservations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 640d–4 of this title.

Chapter 7.—EDUCATION OF INDIANS

§ 340a. Study and investigation of Indian education in United States and Alaska; contracts; report to Congress; appropriations.

The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Bureau of Indian Affairs, is authorized and directed to conduct a study and investigation of Indian education in the continental United States and Alaska, including a study and investigation of (1) the education problems of Indian children from non-English speaking homes, and (2) the possibility of establishing a more orderly, equitable, and acceptable program for transferring Indian children to public schools.

The Secretary, in carrying out the provisions of this section, is authorized to enter into contracts in accordance with the provisions of the Johnson-O'Malley Act of June 4, 1936 (section 452 of Title 25).

Not later than two years after funds are made available to carry out the purposes of this section, the Secretary shall submit to the Congress a complete report of the results of such study and investigation, together with such recommendations as he deems desirable.

There are authorized to be appropriated such sums as may be necessary for carrying out the purposes of this section. (July 14, 1956, ch. 588, §§ 1–4, 70 Stat. 531, 532.)

REFERENCES IN TEXT

The Johnson-O'Malley Act of June 4, 1936, 49 Stat. 1458, referred to in the text, amended the Johnson-O'Malley Act of 1934. The 1934 Act, as further amended, is classified to sections 452 to 457 of this Title.

CODIFICATION

This section is set out in this supplement to correct translations therein.

Chapter 9.—ALLOTMENT OF INDIAN LANDS

§ 331. Allotments on reservations; irrigable and non-irrigable lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 640d–8 of this title.

§ 334. Allotments to Indians not residing on reservations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 43 section 1617.

§ 337. Allotments in national forests.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 43 section 1617.

Chapter 11.—IRRIGATION OF ALLOTTED LANDS

§ 386a. Adjustment of reimbursable debts; construction charges.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1465, 1491 of this title.

Chapter 12.—LEASE, SALE, OR SURRENDER OF ALLOTTED OR UNALLOTTED LANDS

§§ 396a to 396g.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 459c of this title.

§ 415. Leases of restricted lands for public, religious, educational, recreational, residential, business, and other purposes; approval by Secretary.

(a) Any restricted Indian lands, whether tribally or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, residential, or business purposes, including the development or utilization of natural resources in connection with operations under such leases, for grazing purposes, and for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops as determined by said Secretary. All leases so granted shall be for a term of not to exceed twenty-five years, except leases of land located outside the boundaries of Indian reservations in the State of New Mexico, and leases of land on the Agua Caliente (Palm Springs) Reservation, the Dania Reservation, the Swinomish Indian Reservation, the Southern Ute Reservation, the Fort Mojave Reservation, the Burns Paiute Reservation, the Coeur d' Alene Indian Reservation, the Kalispel Indian Reservation, the pueblo of Cochiti, the pueblo of Projoaque, the pueblo of Tesuque, the pueblo of Zuni, the Hualapai Reservation, the Spokane Reservation, the San Carlos Apache Reservation, Yavapai-Prescott Community Reservation, the Pyramid Lake Reservation, the Gila River Reservation, the Soboba Indian Reservation, the Tulalip Indian Reservation, and the Navajo Reservation which may be for a term of not to exceed ninety-nine years, and except leases of land for grazing purposes which may be for a term of not to exceed ten years. Leases for public, religious, educational, recreational, residential or business purposes (except leases the initial term of which extends for more than seventy-four years) with the consent of both parties may include provisions authorizing their renewal for one additional term of not to exceed twenty-five years, and all leases and renewals shall be made under such terms and regulations as may be prescribed by the Secretary of the Interior. Prior to approval of any lease or extension of an existing lease pursuant of this section, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality, and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject.

* * * * *

(As amended Dec. 15, 1971, Pub. L. 92–182, § 6, 85 Stat. 626; Sept. 26, 1972, Pub. L. 92–431, 86 Stat. 723; Oct. 9, 1972, Pub. L. 92–472, § 7, 86 Stat. 788; Oct. 13, 1972, Pub. L. 92–488, § 4, 86 Stat. 806.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–488 inserted "the Burns Paiute Reservation," following "the Fort Mojave Reservation,".

Pub. L. 92–472 inserted "the Coeur d'Alene Indian Reservation," following "the Fort Mojave Reservation,".

Pub. L. 92–431 added provision excepting leases of land located outside the boundaries of Indian reservations in the State of New Mexico from the twenty-five year time limit.

1971—Subsec. (a). Pub. L. 92–182 inserted "the Kalispel Indian Reservation" following "the Fort Mojave Reservation".

Chapter 14.—MISCELLANEOUS

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GENERAL PROVISIONS

§§ 442, 443.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 1461 of this title.

INDIAN SELF-DETERMINATION [NEW]

§ 450. Congressional statement of findings.

(a) The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, American Indian people, finds that—

(1) the prolonged Federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities; and

(2) the Indian people will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons.

(b) The Congress further finds that—

(1) true self-determination in any society of people is dependent upon an educational process which will insure the development of qualified people to fulfill meaningful leadership roles;

(2) the Federal responsibility for and assistance to education of Indian children has not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction which education can and should provide; and

(3) parental and community control of the educational process is of crucial importance to the Indian people.

(Pub. L. 93–638, § 2, Jan. 4, 1975, 88 Stat. 2203.)

SHORT TITLE

Section 1 of Pub. L. 93-638 provided: "That this Act [enacting sections 13a, 450 to 450n, 455, 456, 457, and 458 to 458e of this title and section 2004b of Title 42, amending section 3371 of Title 5, section 4762 of Title 42, and section 456 of Title 50, Appendix, and enacted provisions set out as notes under sections 450f, 455, and 457 of this title] may be cited as the 'Indian Self-Determination and Education Assistance Act'."

§ 450a. Congressional declaration of policy.

(a) The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.

(c) The Congress declares that a major national goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being. (Pub. L. 93-638, § 3, Jan. 4, 1975, 88 Stat. 2203.)

§ 450b. Definitions.

For the purposes of this Act, the term—

(a) "Indian" means a person who is a member of an Indian tribe;

(b) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(c) "Tribal organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: *Provided*, That in any case where a contract is let or grant made to an organization to perform services benefitting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant;

(d) "Secretary", unless otherwise designated, means the Secretary of the Interior;

(e) "State education agency" means the State board of education or other agency or officer primarily responsible for supervision by the State of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law. (Pub. L. 93-638, § 4, Jan. 4, 1975, 88 Stat. 2204.)

REFERENCES IN TEXT

This Act, referred to in text, is the Indian Self-Determination and Education Assistance Act, which is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203. For distribution of this Act in the Code, see Short Title note set out under section 450 of this title.

The Alaska Native Claims Settlement Act, referred to in par. (b), is classified to section 1601 et seq. of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 3371.

§ 450c. Reporting and audit requirements for recipients of Federal financial assistance.

(a) Maintenance of records.

Each recipient of Federal financial assistance from the Secretary of Interior or the Secretary of Health, Education, and Welfare, under this Act, shall keep such records as the appropriate Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) Access to books, documents, papers, and records for audit and examination by Comptroller General, etc.

The Comptroller General and the appropriate Secretary, or any of their duly authorized representatives, shall, until the expiration of three years after completion of the project or undertaking referred to in the preceding subsection of this section, have access (for the purpose of audit and examination) to any books, documents, papers, and records of such recipients which in the opinion of the Comptroller General or the appropriate Secretary may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to in the preceding subsection.

(c) Availability by recipient of required reports and information to Indian people served or represented.

Each recipent of Federal financial assistance referred to in subsection (a) of this section shall make such reports and information available to the Indian people served or represented by such recipient as and in a manner determined to be adequate by the appropriate Secretary.

(d) Repayment to Treasury by recipient of unexpended or unused funds.

Any funds paid to a financial assistance recipient referred to in subsection (a) of this section and not expended or used for the purposes for which paid shall be repaid to the Treasury of the United States. (Pub. L. 93-638, § 5, Jan. 4, 1975, 88 Stat. 2204.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is the Indian Self-Determination and Education Assistance Act, which is

Pub. L. 93–638, Jan. 4, 1975; 88 Stat. 2203. For distribution of this Act in the Code, see Short Title note set out under section 450 of this title.

§ 450d. Criminal activities involving grants, contracts, etc.; penalties.

Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of a contract, subcontract, grant, or subgrant pursuant to this Act or the Act of April 16, 1934, as amended, embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds assets, or property which are the subject of such a grant, subgrant, contract, or subcontract, shall be fined not more than $10,000 or imprisoned for not more than two years, or both, but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both. (Pub. L. 93–638, § 6, Jan. 4, 1975, 88 Stat. 2205.)

REFERENCES IN TEXT

This Act, referred to in text, is the Indian Self-Determination and Education Assistance Act, which is Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2203. For distribution of this Act in the Code, see Short Title note set out under section 450 of this title.

Act of April 16, 1934, referred to in text, is classified to sections 452 to 457 of this title.

§ 450e. Wage and labor standards and preference requirements for contracts or grants.

(a) All laborers and mechanics employed by contractors of subcontractors in the construction, alteration, or repair, including painting or decorating of buildings or other facilities in connection with contracts or grants entered into pursuant to this Act, shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. With respect to construction, alteration, or repair work to which the Davis-Bacon Act is applicable under the terms of this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950, and section 276c of Title 40.

(b) Any contract, subcontract, grant, or subgrant pursuant to this Act, the Act of April 16, 1934, or any other Act authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians, shall require that to the greatest extent feasible—

(1) preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians; and

(2) preference in the award of subcontracts and subgrants in connection with the administration of such contracts or grants shall be given to Indian organizations and to Indian-owned economic enterprises as defined in section 1452 of this title.

(Pub. L. 93–638, § 7, Jan. 4, 1975, 88 Stat. 2205.)

REFERENCES IN TEXT

This Act, referred to in text, is the Indian Self-Determination and Education Assistance Act, which is Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2203. For distribution of this Act in the Code, see Short Title note set out under section 450 of this title.

The Davis-Bacon Act, referred to in subsec. (a), is classified to sections 276a to 276a–5 of Title 40, Public Buildings, Property, and Works.

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (a), is set out in the Appendix to Title 5, Government Organization and Employees.

The Act of April 16, 1934, referred to in subsec. (b), is classified to sections 452 to 457 of this title.

CODIFICATION

As originally enacted, second reference to the Davis-Bacon Act read "Act of March 3, 1921"; however reference has been editorially translated as the Davis-Bacon Act, which was the Act of Mar. 3, 1931, in order to conform to the probable intent of Congress.

§ 450f. Contracts by Secretary of the Interior with tribal organizations.

(a) Request by tribe for contract by Secretary to plan, conduct and administer education, etc., programs; refusal of request.

The Secretary of the Interior is directed, upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, provided for in the Act of April 16, 1934, any other program or portion thereof which the Secretary of the Interior is authorized to administer for the benefit of Indians under the Act of November 2, 1921, and any Act subsequent thereto: *Provided, however,* That the Secretary may initially decline to enter into any contract requested by an Indian tribe if he finds that: (1) the service to be rendered to the Indian beneficiaries of the particular program or function to be contracted will not be satisfactory; (2) adequate protection of trust resources is not assured, or (3) the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract: *Provided further,* That in arriving at his finding, the Secretary shall consider whether the tribe or tribal organization would be deficient in performance under the contract with respect to (A) equipment, (B) bookkeeping and accounting procedures, (C) substantive knowledge of the program to be contracted for, (D) community support for the contract, (E) adequately trained personnel, or (F) other necessary components of contract performance.

(b) Procedure upon refusal of request to contract.

Whenever the Secretary declines to enter into a contract or contracts pursuant to subsection (a) of this section, he shall (1) state his objections in writing to the tribe within sixty days, (2) provide to the extent practicable assistance to the tribe or tribal organization to overcome his stated objections, and (3) provide the tribe with a hearing, under such rules and regulations as he may promulgate, and the opportunity for appeal on the objections raised.

(c) Procurement of liability insurance by tribe as prerequisite to exercise of contracting authority by Secretary; required policy provisions.

The Secretary is authorized to require any tribe requesting that he enter into a contract pursuant to the provisions of this title to obtain adequate liability insurance: *Provided, however,* That each such policy of insurance shall contain a provision that the insurance carrier shall waive any right it may have to raise as a defense the tribe's sovereign

immunity from suit, but that such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance. (Pub. L. 93–638, title I, § 102, Jan. 4, 1975, 88 Stat. 2206.)

REFERENCES IN TEXT

The Act of April 16, 1934, referred to in subsec. (a), is classified to sections 452 to 457 of this title.

The Act of November 2, 1921, referred to in subsec. (a), is classified to section 13 and former section 52a of this title.

This title, referred to in subsec. (c), is the Indian Self-Determination Act, which is title I of Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2206. For distribution of this Act in the Code, see Short Title note set out under this section.

SHORT TITLE

Section 101 of Pub. L. 93–638 provided that: "This title [enacting this section and sections 450g to 450n of this title and section 2004b of Title 42, and amending section 3371 of Title 5, section 4762 of Title 42 and section 456 of Title 50, Appendix] may be cited as the 'Indian Self-Determination Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450h, 450j, 450m of this title; title 42 section 2004b.

§ 450g. Contracts by Secretary of Health, Education, and Welfare with tribal organizations.

(a) Request by tribe for contract by Secretary to implement hospital and health facility functions, authorities, and responsibilities; refusal of request.

The Secretary of Health, Education, and Welfare is directed, upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to carry out any or all of his functions, authorities, and responsibilities under the Act of August 5, 1954, as amended: *Provided, however,* That the Secretary may initially decline to enter into any contract requested by an Indian tribe if he finds that: (1) the service to be rendered to the Indian beneficiaries of the particular program or function to be contracted for will not be satisfactory; (2) adequate protection of trust resources is not assured; or (3) the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract: *Provided further,* That the Secretary of Health, Education, and Welfare, in arriving at his finding, shall consider whether the tribe or tribal organization would be deficient in performance under the contract with respect to (A) equipment, (B) bookkeeping and accounting procedures, (C) substantive knowledge of the program to be contracted for, (D) community support for the contract, (E) adequately trained personnel, or (F) other necessary components of contract performance.

(b) Procedure upon refusal of request to contract.

Whenever the Secretary of Health, Education, and Welfare declines to enter into a contract or contracts pursuant to subsection (a) of this section, he shall (1) state his objections in writing to the tribe within sixty days; (2) provide, to the extent practicable, assistance to the tribe or tribal organization to overcome his stated objections; and (3) provide the tribe with a hearing, under such rules and regulations as he shall promulgate, and the opportunity for appeal on the objections raised.

(c) Procurement of liability insurance by tribe as prerequisite to exercise of contracting authority by Secretary; required policy provisions.

The Secretary of Health, Education, and Welfare is authorized to require any tribe requesting that he enter into a contract pursuant to the provisions of this title to obtain adequate liability insurance: *Provided, however,* That each such policy of insurance shall contain a provision that the insurance carrier shall waive any right it may have to raise as a defense the tribe's sovereign immunity from suit, but that such waiver shall extend only to claims the amount and nature of which are within the coverage and limits of the policy and shall not authorize or empower such insurance carrier to waive or otherwise limit the tribe's sovereign immunity outside or beyond the coverage and limits of the policy of insurance. (Pub. L. 93–638, title I, § 103, Jan. 4, 1975, 88 Stat. 2206.)

REFERENCES IN TEXT

The Act of August 5, 1954, referred to in subsec. (b), is classified to section 2001 et seq. of Title 42, The Public Health and Welfare.

This title, referred to in subsec. (c), is the Indian Self-Determination Act, which is title I of Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2206. For distribution of this Act in the Code, see Short Title note set out under section 450f of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450h, 450j, 450m of this title; title 42 section 2004b.

§ 450h. Grants to tribal organizations or tribes.

(a) Request by tribe for contract or grant by Secretary of the Interior for improving, etc., tribal governmental, contracting, and program planning activities.

The Secretary of the Interior is authorized, upon the request of any Indian tribe (from funds appropriated for the benefit of Indians pursuant to the Act of November 2, 1921, and any Act subsequent thereto) to contract with or make a grant or grants to any tribal organization for—

(1) the strengthening or improvement of tribal government (including, but not limited to, the development, improvement, and administration of planning, financial management, or merit personnel systems; the improvement of tribally funded programs or activities; or the development, construction, improvement, maintenance, preservation, or operation of tribal facilities or resources);

(2) the planning, training, evaluation of other activities designed to improve the capacity of a tribal organization to enter into a contract or contracts pursuant to section 450f of this title and the additional costs associated with the initial years of operation under such a contract or contracts;

(3) the acquisition of land in connection with items (1) and (2) above: *Provided,* That in the case of land within reservation boundaries or which adjoins on at least two sides lands held in trust by the United States for the tribe or for individual Indians, the Secretary of Interior may

(upon request of the tribe) acquire such land in trust for the tribe; or

(4) the planning, designing, monitoring, and evaluating of Federal programs serving the tribe.

(b) Grants by Secretary of Health, Education, and Welfare for development, maintenance, etc., of health facilities or services and improvement of contract capabilities implementing hospital and health facility functions.

The Secretary of Health, Education, and Welfare may, in accordance with regulations adopted pursuant to section 450k of this title, make grants to any Indian tribe or tribal organization for—

(1) the development, construction, operation, provision, or maintenance of adequate health facilities or services including the training of personnel for such work, from funds appropriated to the Indian Health Service for Indian health services or Indian health facilities; or

(2) planning, training, evaluation or other activities designed to improve the capacity of a tribal organization to enter into a contract or contracts pursuant to section 450g of this title.

(c) Use as matching shares for other similar Federal grant programs.

The provisions of any other Act notwithstanding, any funds made available to a tribal organization under grants pursuant to this section may be used as matching shares for any other Federal grant programs which contribute to the purposes for which grants under this section are made. (Pub. L. 93–638, title I, § 104, Jan. 4, 1975, 88 Stat. 2207.)

REFERENCES IN TEXT

The Act of November 2, 1921, referred to in subsec. (a), is classified to section 13 and former section 52a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450j, 450m of this title; title 42 section 2004b.

§ 450i. Retention of Federal employee coverage, rights and benefits by employees of tribal organizations.

(a) Eligible employees; Federal employee programs subject to retention.

Notwithstanding any other law, executive order, or administrative regulation, an employee serving under an appointment not limited to one year or less who leaves Federal employment to be employed by a tribal organization on or before December 31, 1985, in connection with governmental or other activities which are or have been performed by employees in or for Indian communities is entitled, if the employee and the tribal organization so elect, to the following:

(1) To retain coverage, rights, and benefits under subchapter I of chapter 81 ("Compensation for Work Injuries") of Title 5, and for this purpose his employment with the tribal organization shall be deemed employment by the United States. However, if an injured employee, or his dependents in case of his death, receives from the tribal organization any payment (including an allowance, gratuity, payment under an insurance policy for which the premium is wholly paid by the tribal organization, or other benefit of any kind) on account of the same injury or death, the amount of that payment shall be credited against any benefit payable under subchapter I of chapter 81 of Title 5, as follows:

(A) payments on account of injury or disability shall be credited against disability compensation payable to the injured employee; and

(B) payments on account of death shall be credited against death compensation payable to dependents of the deceased employee.

(2) To retain coverage, rights, and benefits under chapter 83 ("Retirement") of Title 5, if necessary employee deductions and agency contributions in payment for coverage, rights, and benefits for the period of employment with the tribal organization are currently deposited in the Civil Service Retirement and Disability Fund (section 8348 of Title 5); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed creditable service under section 8332 of Title 5. Days of unused sick leave to the credit of an employee under a formal leave system at the time the employee leaves Federal employment to be employed by a tribal organization remain to his credit for retirement purposes during covered service with the tribal organization.

(3) To retain coverage, rights, and benefits under chapter 89 ("Health Insurance") of Title 5, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the tribal organization are currently deposited in the Employee's Health Benefit Fund (section 8909 of Title 5); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 89 of Title 5.

(4) To retain coverage, rights, and benefits under chapter 87 ("Life Insurance") of Title 5, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the tribal organizations are currently deposited in the Employee's Life Insurance Fund (section 8714 of Title 5); and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 87 of Title 5.

(b) Deposit by tribal organization of employee deductions and agency contributions in appropriate funds.

During the period an employee is entitled to the coverage, rights, and benefits pursuant to the preceding subsection, the tribal organization employing such employee shall deposit currently in the appropriate funds the employee deductions and agency contributions required by paragraphs (2), (3), and (4) of such preceding subsection.

(c) Election for retention by employee and tribal organization before date of employment by tribal organization; transfer of employee to another tribal organization.

An employee who is employed by a tribal organization under subsection (a) of this section and such tribal organization shall make the election to retain the coverages, rights, and benefits in paragraphs (1), (2), (3), and (4) of such subsection (a) before the date of his employment by a tribal organization.

An employee who is employed by a tribal organization under subsection (a) of this section shall continue to be entitled to the benefits of such subsection if he is employed by another tribal organization to perform service in activities of the type described in such subsection.

(d) Employee.

For the purposes of subsections (a), (b), and (c) of this section, the term "employee" means an employee as defined in section 2105 of Title 5.

(e) Promulgation of implementation regulations by President.

The President may prescribe regulations necessary to carry out the provisions of subsections (a), (b), (c), and (d) of this section and to protect and assure the compensation, retirement, insurance, leave, reemployment rights, and such other similar civil service employment rights as he finds appropriate.

(f) Additional employee employment rights.

Anything in sections 205 and 207 of Title 18 to the contrary notwithstanding, officers and employees of the United States assigned to an Indian tribe as authorized under section 3372 of Title 5, or section 48 of this title and former officers and employees of the United States employed by Indian tribes may act as agents or attorneys for or appear on behalf of such tribes in connection with any matter pending before any department, agency, court, or commission, including any matter in which the United States is a party or has a direct and substantial interest: *Provided,* That each such officer or employee or former officer or employee must advise in writing the head of the department, agency, court, or commission with which he is dealing or appearing on behalf of the tribe of any personal and substantial involvement he may have had as an officer or employee of the United States in connection with the matter involved. (Pub. L. 93–638, title I, § 105(e)–(j), Jan. 4, 1975, 88 Stat. 2209.)

CODIFICATION

Section is comprised of subsecs. (e) to (j) of section 105 of Pub. L. 93–638, which for purposes of classification have been redesignated as subsecs. (a) to (f), respectively. Subsecs. (a) to (d) of Pub. L. 93–638 are classified to section 3371 of Title 5, Government Organization and Employees, section 2004b of Title 42, The Public Health and Welfare, section 456 of Appendix to Title 50, War and National Defense, and section 4762 of Title 42, respectively.

§ 450j. Contract or grant provisions and administration.

(a) Applicability of Federal contracting laws and regulations; waiver of requirements.

Contracts with tribal organizations pursuant to sections 450f and 450g of this title shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the appropriate Secretary, such contracts may be negotiated without advertising and need not conform with the provisions of the Act of August 24, 1935, as amended: *Provided,* That the appropriate Secretary may waive any provisions of such contracting laws or regulations which he determines are not appropriate for the purposes of the contract involved or inconsistent with the provisions of this Act.

(b) Payments; transfer of funds by Treasury for disbursement by tribal organization; accountability for interest accrued prior to disbursement.

Payments of any grants or under any contracts pursuant to section 450f, 450g, or 450h of this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the appropriate Secretary deems necessary to carry out the purposes of this title. The transfer of funds shall be scheduled consistent with program requirements and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by the tribal organization, whether such disbursement occurs prior to or subsequent to such transfer of funds. Tribal organizations shall not be held accountable for interest earned on such funds, pending their disbursement by such organization.

(c) Term of requested contracts; annual renegotiation.

Any contract requested by a tribe pursuant to sections 450f and 450g of this title shall be for a term not to exceed one year unless the appropriate Secretary determines that a longer term would be advisable: *Provided,* That such term may not exceed three years and shall be subject to the availability of appropriations: *Provided, further,* That the amounts of such contracts may be renegotiated annually to reflect factors, including but not limited to cost increases beyond the control of a tribal organization.

(d) Revision or amendment of provisions at request or with consent of tribal organization; effective date for retrocession of contract.

Notwithstanding any provision of law to the contrary, the appropriate Secretary may at the request or consent of a tribal organization, revise or amend any contract or grant made by him pursuant to section 450f, 450g, or 450h of this title with such organization as necessary to carry out the purposes of this title: *Provided, however,* That whenever an Indian tribe requests retrocession of the appropriate Secretary for any contract entered into pursuant to this Act, such retrocession shall become effective upon a date specified by the appropriate Secretary not more than one hundred and twenty days from the date of the request by the tribe or at such later date as may be mutually agreed to by the appropriate Secretary and the tribe.

(e) Implementation by tribal organization with existing school buildings, hospitals, and facilities and equipment and other Government-owned personal property.

In connection with any contract or grant made pursuant to section 450f, 450g, or 450h of this title, the appropriate Secretary may permit a tribal organization to utilize, in carrying out such contract or grant, existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto and other personal property owned by the Government within his jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

(f) Performance of personal services.

The contracts authorized under sections 450f and 450g of this title and grants pursuant to section 450h of this title may include provisions for the performance of personal services which would otherwise be performed by Federal employees including, but in no way limited to, functions such as determination of eligibility of applicants for assistance, benefits, or services, and the extent or amount of such assistance, benefits, or services to be provided and the provisions of such assistance, benefits, or services, all in accordance with the terms of the contract or grant and applicable rules and regulations of the appropriate Secretary: *Provided*, That the Secretary shall not make any contract which would impair his ability to discharge his trust responsibilities to any Indian tribe or individuals.

(g) Fair and uniform provision by tribal organization of services and assistance to covered Indians.

Contracts and grants with tribal organizations pursuant to sections 450f, 450g, and 450h of this title and the rules and regulations adopted by the Secretaries of the Interior and Health, Education, and Welfare pursuant to section 450k of this title shall include provisions to assure the fair and uniform provision by such tribal organizations of the services and assistance they provide to Indians under such contracts and grants.

(h) Minimum amount of contracts.

The amount of funds provided under the terms of contracts entered into pursuant to sections 450f and 450g of this title shall not be less than the appropriate Secretary would have otherwise provided for his direct operation of the programs or portions thereof for the period covered by the contract: *Provided*, That any savings in operation under such contracts shall be utilized to provide additional services or benefits under the contract. (Pub. L. 93–638, title I, § 106, Jan. 4, 1975, 88 Stat. 2210.)

REFERENCES IN TEXT

The Act of August 24, 1935, referred to in subsec. (a), is classified to sections 270a to 270d of Title 40, Public Buildings, Property, and Works.

This Act, referred to in subsecs. (a) and (d), is the Indian Self-Determination and Education Assistance Act, which is Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2203. For distribution of this Act in the Code, see Short Title note set out under section 450 of this title.

This title, referred to in subsec. (b), is the Indian Self-Determination Act, which is title I of Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2206. For distribution of this Act in the Code, see Short Title note set out under section 450f of this title.

§ 450k. Rules and regulations.

(a) Authority of Secretaries of the Interior and of Health, Education, and Welfare to perform any and all acts and make necessary and proper rules and regulations.

The Secretaries of the Interior and of Health, Education, and Welfare are each authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purposes of carrying out the provisions of this title.

(b) Consultation, presentation, publication, and promulgation; time and procedural requirements.

(1) Within six months from January 4, 1975, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall each to the extent practicable, consult with national and regional Indian organizations to consider and formulate appropriate rules and regulations to implement the provisions of this title.

(2) Within seven months from January 4, 1975, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall each present the proposed rules and regulations to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(3) Within eight months from January 4, 1975, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(4) Within ten months from January 4, 1975, the Secretary of the Interior and the Secretary of Health, Education, and Welfare shall promulgate rules and regulations to implement the provisions of this title.

(c) Revisions and amendments; procedures applicable.

The Secretary of the Interior and the Secretary of Health, Education, and Welfare are authorized to revise and amend any rules or regulations promulgated pursuant to this section: *Provided*, That prior to any revision or amendment to such rules or regulations, the respective Secretary or Secretaries shall present the proposed revision or amendment to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives and shall, to the extent practicable, consult with appropriate national or regional Indian organizations and shall publish any proposed revisions in the Federal Register not less than sixty days prior to the effective date of such rules and regulations in order to provide adequate notice to, and receive comments from, other interested parties. (Pub. L. 93–638, title I, § 107, Jan. 4, 1975, 88 Stat. 2212.)

REFERENCES IN TEXT

This title, referred to in subsecs. (a), (b)(1), (4), is the Indian Self-Determination Act, which is title I of Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2206. For distribution of this Act in the Code, see Short Title note set out under section 450f of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450h, 450j of this title.

§ 450*l*. Report by tribe requesting contract or grant; contents.

For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract or grant under this title, the Indian tribe which requested such contract or grant shall submit to the appropriate Secretary a report including, but not limited to, an accounting of the amounts and purposes for which Federal funds were expended, information on the conduct of the program or service involved, and such other information as the appropriate Secretary may request. (Pub. L. 93–638, title I, § 108, Jan. 4, 1975, 88 Stat. 2212.)

REFERENCES IN TEXT

This title, referred to in text, is the Indian Self-Determination Act, which is title I of Pub. L. 93–638, Jan. 4,

1975, 88 Stat. 2206. For distribution of this Act in the Code, see Short Title note set out under section 450f of this title.

§ 450m. Rescission of contract or grant and assumption of control of program, etc.; authority; grounds; procedure; correction of violation as prerequisite to new contract or grant agreement; construction with occupational safety and health requirements.

Each contract or grant agreement entered into pursuant to sections 450f, 450g, and 450h of this title shall provide that in any case where the appropriate Secretary determines that the tribal organization's performance under such contract or grant agreement involves (1) the violation of the rights or endangerment of the health, safety, or welfare of any persons; or (2) gross negligence or mismanagement in the handling or use of funds provided to the tribal organization pursuant to such contract or grant agreement, such Secretary may, under regulations prescribed by him and after providing notice and hearing to such tribal organization, rescind such contract or grant agreement and assume or resume control or operation of the program, activity, or service involved if he determines that the tribal organization has not taken corrective action as prescribed by him: *Provided*, That the appropriate Secretary may, upon notice to a tribal organization, immediately rescind a contract or grant and resume control or operation of a program, activity, or service if he finds that there is an immediate threat to safety and, in such cases, he shall hold a hearing on such action within ten days thereof. Such Secretary may decline to enter into a new contract or grant agreement and retain control of such program, activity, or service until such time as he is satisfied that the violations of rights or endangerment of health, safety, or welfare which necessitated the rescission has been corrected. Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970, as amended. (Pub. L. 93–638, title I, § 109, Jan. 4, 1975, 88 Stat. 2212.)

REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in text, is classified generally to section 651 et seq. of Title 29, Labor. For further distribution of this Act in the Code, see Short Title note set out under section 651 of Title 29.

§ 450n. Sovereign immunity and trusteeship rights unaffected.

Nothing in this Act shall be construed as—

(1) affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian tribe; or

(2) authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

(Pub. L. 93–638, title I, § 110, Jan. 4, 1975, 88 Stat. 2213.)

REFERENCES IN TEXT

This Act, referred to in text, is the Indian Self-Determination and Education Assistance Act, which is Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2203. For distribution of this Act in the Code, see Short Title note set out under section 450 of this title.

CONTRACTS WITH STATES

SECTIONS REFERRED TO IN OTHER SECTIONS

Sections 452–457 are referred to in sections 304a, 450d to 450f, 453, 454, 456, 458d of this title; title 20 section 880b–8; title 43 section 1620.

§ 453. Same; use of Government property by States and Territories.

The Secretary of the Interior, in making any contract authorized by sections 452 to 457 of this title, may permit such contracting party to utilize, for the purposes of said sections, existing school buildings, hospitals, and other facilities, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance. (Apr. 16, 1934, ch. 147, § 2, 48 Stat. 596; June 4, 1936, ch. 490, 49 Stat. 1458.)

CODIFICATION

This section is set out in this supplement to correct translations therein.

§ 454. Same; rules and regulations; minimum standards of service.

The Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations, including minimum standards of service, as may be necessary and proper for the purpose of carrying the provisions of sections 452 to 457 of this title into effect: *Provided*, That such minimum standards of service are not less than the highest maintained by the States or Territories within which said contract or contracts, as herein provided, are to be effective. (Apr. 16, 1934, ch. 147, § 3, 48 Stat. 596; June 4, 1936, ch. 490, 49 Stat. 1458.)

CODIFICATION

This section is set out in this supplement to correct translations therein.

§ 455. Contracts for education in public schools; submission of education plan by contractor as prerequisite; criteria for approval of plan by Secretary of the Interior; participation by non-Indian students.

The Secretary of the Interior shall not enter into any contract for the education of Indians unless the prospective contractor has submitted to, and has had approved by the Secretary of the Interior, an education plan, which plan, in the determination of the Secretary, contains educational objectives which adequately address the educational needs of the Indian students who are to be beneficiaries of the contract and assures that the contract is capable of meeting such objectives: *Provided*, That where students other than Indian students participate in such programs, money expended under such contract shall be prorated to cover the participation of only the Indian students. (Apr. 16, 1934, ch. 147, § 4, as added Jan. 4, 1975, Pub. L. 93–638, title II, § 202, 88 Stat. 2213.)

CODIFICATION

A prior section 4 of act Apr. 16, 1934, ch. 147, 48 Stat. 596; June 4, 1936, ch. 490, 49 Stat. 1458, required the Secretary of the Interior to report to the Congress any contracts made under the provisions of sections 452–454 of this title, and was repealed by Pub. L. 86–533, § 1(15), June 29, 1960, 74 Stat. 248.

SHORT TITLE

Section 201 of Pub. L. 93–638 provided that: "This title [enacting this section and sections 456 to 458e of this title and provision set out as a note under section 457 of this title] may be cited as the 'Indian Education Assistance Act'."

§ 456. Same; election and functions of local committee of Indian parents in school districts having school boards composed of non-Indian majority; revocation of contracts.

(a) Whenever a school district affected by a contract or contracts for the education of Indians pursuant to sections 452 to 457 of this title has a local school board not composed of a majority of Indians, the parents of the Indian children enrolled in the school or schools affected by such contract or contracts shall elect a local committee from among their number. Such committee shall fully participate in the development of, and shall have the authority to approve or disapprove programs to be conducted under such contract or contracts, and shall carry out such other duties, and be so structured, as the Secretary of the Interior shall by regulation provide: *Provided, however,* That, whenever a local Indian committee or committees established pursuant to section 241dd(b)(2)(B)(ii) of Title 20 or an Indian advisory school board or boards established pursuant to sections 452 to 457 of this title prior to January 4, 1975, exists in such school district, such committee or board may, in the discretion of the affected tribal governing body or bodies, be utilized for the purposes of this section.

(b) The Secretary of the Interior may, in his discretion, revoke any contract if the contractor fails to permit a local committee to perform its duties pursuant to subsection (a) of this section. (Apr. 16, 1934, ch. 147, § 5, as added Jan. 4, 1975, Pub. L. 93–638, title II, § 202, 88 Stat. 2213.)

CODIFICATION

A prior section 5 of act Apr. 16, 1934, ch. 147, 48 Stat. 596, was omitted from amendatory reenactment of that Act by act June 4, 1936, ch. 490, 49 Stat. 1458.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 458 of this title.

§ 457. Same; reimbursement to school districts for educating non-resident students.

Any school district educating Indian students who are members of recognized Indian tribes, who do not normally reside in the State in which such school district is located, and who are residing in Federal boarding facilities for the purposes of attending public schools within such district may, in the discretion of the Secretary of the Interior, be reimbursed by him for the full per capita costs of educating such Indian students. (Apr. 16, 1934, ch. 147, § 6, as added Jan. 4, 1975, Pub. L. 93–638, title II, § 202, 88 Stat. 2214.)

INDIAN EDUCATIONAL REPORT; SUBMISSION TO CONGRESSIONAL COMMITTEES; TIME OF SUBMISSION; SCOPE AND CONTENT OF REPORT

Section 203 of Pub. L. 93–638 provided that:

"After conferring with persons competent in the field of Indian education, the Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall prepare and submit to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives not later than October 1, 1975, a report which shall include:

"(1) a comprehensive analysis of the Act of April 16, 1934 (48 Stat. 596) [sections 452 to 457 of this title], as amended, including—

"(A) factors determining the allocation of funds for the special or supplemental educational programs of Indian students and current operating expenditures;

"(B) the relationship of the Act of April 16, 1934 (48 Stat. 596), as amended, to—

"(i) title I of the Act of September 30, 1950 (64 Stat. 1100), as amended [section 241a et seq. of Title 20, Education]; and

"(ii) the Act of April 11, 1965 (79 Stat. 27), as amended [see Short Title note under section 821 of Title 20]; and

"(iii) title IV of the Act of June 23, 1972 (86 Stat. 235) [see Short Title note under section 241aa of Title 20]; and

"(iv) the Act of September 23, 1950 (72 Stat. 548), as amended [section 631 et seq. of Title 20].

"(2) a specific program to meet the special educational needs of Indian children who attend public schools. Such program shall include, but need not be limited to, the following:

"(A) a plan for the equitable distribution of funds to meet the special or supplemental educational needs of Indian children and, where necessary, to provide general operating expenditures to schools and school districts educating Indian children; and

"(B) an estimate of the cost of such program;

"(3) detailed legislative recommendations to implement the program prepared pursuant to clause (2); and

"(4) a specific program, together with detailed legislative recommendations, to assist the development and administration of Indian-controlled community colleges."

§ 458. School construction, acquisition, or renovation contracts.

(a) Authorization; prerequisites.

The Secretary is authorized to enter into a contract or contracts with any State education agency or school district for the purpose of assisting such agency or district in the acquisition of sites for, or the construction, acquisition, or renovation of facilities (including all necessary equipment) in school districts on or adjacent to or in close proximity to any Indian reservation or other lands held in trust by the United States for Indians, if such facilities are necessary for the education of Indians residing on any such reservation or lands.

(b) Eligibility requirements for assistance in Federally-affected areas; applicability to projects in determining maximum amount, allocation, of funds, etc.

The Secretary may expend not less than 75 per centum of such funds as are authorized and appropriated pursuant to this section on those projects which meet the eligibility requirements under subsections (a) and (b) of section 644 of Title 20. Such funds shall be allocated on the basis of existing funding priorities, if any, established by the United States Commissioner of Education under subsections (a) and (b) of section 644 of Title 20. The United States Commissioner of Education is directed to submit to the Secretary, at the beginning of each fiscal year, commencing with the first full fiscal year after January 4, 1975, a list of those projects eligible for funding under subsections (a) and (b) of section 644 of Title 20.

(c) Eligibility of private schools to receive funds; maximum amount.

The Secretary may expend not more than 25 per centum of such funds as may be authorized and

appropriated pursuant to this section on any school eligible to receive funds under section 458d of this title.

(d) Duties of State education agencies pursuant to contracts.

Any contract entered into by the Secretary pursuant to this section shall contain provisions requiring the relevant State educational agency to—

(1) provide Indian students attending any such facilities constructed, acquired, or renovated, in whole or in part, from funds made available pursuant to this section with standards of education not less than those provided non-Indian students in the school district in which the facilities are situated; and

(2) meet, with respect to such facilities, the requirements of the State and local building codes, and other building standards set by the State educational agency or school district for other public school facilities under its jurisdiction or control or by the local government in the jurisdiction within which the facilities are situated.

(e) Advisory consultations by Secretary with affected entities and governing bodies prior to contracts; applicability.

The Secretary shall consult with the entity designated pursuant to section 456 of this title, and with the governing body of any Indian tribe or tribes the educational opportunity for the members of which will be significantly affected by any contract entered into pursuant to this section. Such consultation shall be advisory only, but shall occur prior to the entering into of any such contract. The foregoing provisions of this subsection shall not be applicable where the application for a contract pursuant to this section is submitted by an elected school board of which a majority of its members are Indians.

(f) Evaluation and report to Congress of effectiveness of construction, etc., programs; scope and content of report.

Within ninety days following the expiration of the three year period following January 4, 1975, the Secretary shall evaluate the effectiveness of the program pursuant to this section and transmit a report of such evaluation to the Congress. Such report shall include—

(1) an analysis of construction costs and the impact on such costs of the provisions of subsection (f) of this section and the Davis-Bacon Act;

(2) a description of the working relationship between the Department of the Interior and the Department of Health, Education, and Welfare including any memorandum of understanding in connection with the acquisition of data pursuant to subsection (b) of this section;

(3) projections of the Secretary of future construction needs of the public schools serving Indian children residing on or adjacent to Indian reservations;

(4) a description of the working relationship of the Department of the Interior with local or State educational agencies in connection with the contracting for construction, acquisition, or renovation of school facilities pursuant to this section; and

(5) the recommendations of the Secretary with respect to the transfer of the responsibility for administering subsections (a) and (b) of section 644 of Title 20 from the Department of Health, Education, and Welfare to the Department of the Interior.

(g) Authorization of appropriations.

For the purpose of carrying out the provisions of this section, there is authorized to be appropriated the sum of $35,000,000 for the fiscal year ending June 30, 1974; $35,000,000 for each of the four succeeding fiscal years; and thereafter, such sums as may be necessary, all of such sums to remain available until expended. (Pub. L. 93–638, title II, § 204, Jan. 4, 1975, 88 Stat. 2214.)

REFERENCES IN TEXT

The Davis-Bacon Act, referred to in the text, is classified to sections 276a to 276a–5 of Title 40, Public Buildings, Property, and Works.

§ 458a. General education contract and grant provisions and requirements; school district quality and standards of excellence.

No funds from any grant or contract pursuant to this title shall be made available to any school district unless the Secretary is satisfied that the quality and standard of education, including facilities and auxiliary services, for Indian students enrolled in the schools of such district are at least equal to that provided all other students from resources, other than resources provided in this title, available to the local school district. (Pub. L. 93–638, title II, § 205, Jan. 4, 1975, 88 Stat. 2216.)

REFERENCES IN TEXT

This title, referred to in text, is the Indian Education Assistance Act, which is title II of Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2213. For distribution of this Act in the Code, see Short Title note set out under section 455 of this title.

§ 458b. Same; availability of funds to agencies, institutions, and organizations.

No funds from any contract or grant pursuant to this title shall be made available by any Federal agency directly to other than public agencies and Indian tribes, institutions, and organizations: *Provided,* That school districts, State education agencies, and Indian tribes, institutions, and organizations assisted by this title may use funds provided herein to contract for necessary services with any appropriate individual, organization, or corporation. (Pub. L. 93–638, title II, § 206, Jan. 4, 1975, 88 Stat. 2216.)

REFERENCES IN TEXT

This title, referred to in text, is the Indian Education Assistance Act, which is title II of Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2213. For distribution of this Act in the Code, see Short Title note set out under section 455 of this title.

§ 458c. Same; promulgation, revision, etc., of implementing rules and regulations; time and procedural requirements.

(a) (1) Within six months from January 4, 1975, the Secretary shall, to the extent practicable, consult with national and regional Indian organizations with experiences in Indian education to consider and formulate appropriate rules and regulations to implement the provisions of this title.

(2) Within seven months from January 4, 1975, the Secretary shall present the proposed rules and regulations to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(3) Within eight months from January 4, 1975, the Secretary shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(4) Within ten months from January 4, 1975, the Secretary shall promulgate rules and regulations to implement the provisions of this title.

(b) The Secretary is authorized to revise and amend any rules or regulations promulgated pursuant to subsection (a) of this section: *Provided,* That prior to any revision or amendment to such rules or regulations the Secretary shall, to the extent practicable, consult with appropriate national and regional Indian organizations, and shall publish any proposed revisions in the Federal Register not less than sixty days prior to the effective date of such rules and regulations in order to provide adequate notice to, and receive comments from, other interested parties. (Pub. L. 93–638, title II, § 207, Jan. 4, 1975, 88 Stat. 2216.)

REFERENCES IN TEXT

This title, referred to in text, is the Indian Education Assistance Act, which is title II of Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2213. For distribution of this Act in the Code, see Short Title note set out under section 455 of this title.

§ 458d. Same; eligibility for funds of tribe or tribal organization controlling or managing private schools; report to Congressional Committees.

The Secretary is authorized and directed to provide funds, pursuant to this Act; the Act of April 16, 1934, as amended; or any other authority granted to him to any tribe or tribal organization which controls and manages any previously private school. The Secretary shall transmit annually to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives a report on the educational assistance program conducted pursuant to this section. (Pub. L. 93–638, title II, § 208, Jan. 4, 1975, 88 Stat. 2216.)

REFERENCES IN TEXT

This Act, referred to in text, is the Indian Self-Determination and Education Assistance Act, which is Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2203. For distribution of this Act in the Code, see Short Title note set out under section 450 of this title.

The Act of April 16, 1934, referred to in text, is classified to sections 452 to 457 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 458 of this title.

§ 458e. Same; supplemental assistance to funds provided to local educational agencies.

The assistance provided in this Act for the education of Indians in the public schools of any State is in addition and supplemental to assistance provided under title IV of the Act of June 23, 1972. (Pub. L. 93–638, title II, § 209, Jan. 4, 1975, 88 Stat. 2217.)

REFERENCES IN TEXT

This Act, referred to in text, is the Indian Self-Determination and Education Assistance Act, which is Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2203. For distribution of this Act in the Code, see Short Title note set out under section 450 of this title.

Title IV of the Act of June 23, 1972, referred to in text, is title IV of Pub. L. 92–318, June 23, 1972, 86 Stat. 335. For distribution of this title in the Code, see Short Title note set out under section 241aa of Title 20, Education.

CONVEYANCE OF SUBMARGINAL LAND

§ 459. Submarginal lands of United States held in trust for specified Indian tribes and added to reservations; imposition of conditions on conveyed lands; lands excepted from conveying authority.

(a) Except as hereinafter provided, all of the right, title, and interest of the United States of America in all of the land, and the improvements now thereon, that was acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now administered by the Secretary of the Interior for the use or benefit of the Indian tribes identified in section 459a(a) of this title, together with all minerals underlying any such land whether acquired pursuant to such Acts or otherwise owned by the United States, are hereby declared to be held by the United States in trust for each of said tribes, and (except in the case of the Cherokee Nation) shall be a part of the reservations heretofore established for each of said tribes.

(b) The property conveyed by sections 459 to 459e of this title shall be subject to the appropriation or disposition of any of the lands, or interests therein, within the Pine Ridge Indian Reservation, South Dakota, as authorized by the Act of August 8, 1968 (82 Stat. 663), and subject to a reservation in the United States of a right to prohibit or restrict improvements or structures on, and to continuously or intermittently inundate or otherwise use, lands in sections 25 and 26, township 48 north, range 3 west, at Odanah, Wisconsin, in connection with the Bad River flood control project as authorized by section 203 of the Act of July 3, 1958 (72 Stat. 297, 311): *Provided,* That sections 459 to 459e of this title shall not convey the title to any part of the lands or any interest therein that prior to October 17, 1975, have been included in the authorized water resources development projects in the Missouri River Basin as authorized by section 203 of the Act of July 3, 1958 (72 Stat. 297, 311), as amended and supplemented: *Provided further,* That such lands included in Missouri River Basin projects shall be treated as former trust lands are treated. (Pub. L. 94–114, § 1, Oct. 17, 1975, 89 Stat. 577.)

REFERENCES IN TEXT

Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), referred to in subsec. (a), is title II of act June 16, 1933, ch. 90, §§ 201 to 221, 48 Stat. 200, principally classified to former sections 401 to 411 of Title 40, Public Buildings, Property, and Works, and terminated June 30, 1943 pursuant to the provisions of act June 27, 1942, ch. 450, §1, 56 Stat. 410.

Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), referred to in subsec. (a), is act Apr. 8, 1935, ch. 48, 49 Stat. 115, classified to former sections 721 to 728 of Title 15, Commerce and Trade, and was omitted from the Code as temporary and supplementary legislation.

Section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), referred to in subsec. (a), is act Aug. 24, 1935, ch. 641, § 55, 49 Stat. 781, classified to former sections 721 to 728 of Title 15, and was omitted from the Code as temporary and supplementary legislation.

Act of August 8, 1968 (82 Stat. 663), referred to in subsec. (b), is Pub. L. 90–468, §§ 1 to 6, Aug. 8, 1968, 82 Stat. 663, and is classified to sections 441j to 441o of Title 16, Conservation.

Section 203 of the Act of July 3, 1958 (72 Stat. 297, 311), referred to in subsec. (b), is section 203 of Pub. L. 85–500, and was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459a, 459c to 459e of this title.

§ 459a. Same; designation of tribes; publication in Federal Register of boundaries and descriptions; estimation of acreages.

(a) The lands, declared by section 459 of this title to be held in trust by the United States for the benefit of the Indian tribes named in this section, are generally described as follows:

Tribe	Reservation	Submarginal land project donated to said tribe or group	Approximate acreage
1. Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin.	Bad River	Bad River LI–WI–8	13,148.81
2. Blackfeet Tribe	Blackfeet	Blackfeet LI–MT–9	9,036.73
3. Cherokee Nation of Oklahoma		Delaware LI–OK–4	18,749.19
		Adair LI–OK–5	
4. Cheyenne River Sioux Tribe	Cheyenne River	Cheyenne Indian LI–SD–13	3,738.47
5. Crow Creek Sioux Tribe	Crow Creek	Crow Creek LI–SD–10	19,169.89
6. Lower Brule Sioux Tribe	Lower Brule	Lower Brule LI–SD–10	13,209.23
7. Devils Lake Sioux Tribe	Fort Totten	Fort Totten LI–ND–11	1,424.45
8. Fort Belknap Indian Community	Fort Belknap	Fort Belknap LI–MT–8	25,530.10
9. Assiniboine and Sioux Tribes	Fort Peck	Fort Peck LI–MT–6	85,835.52
10. Lac Courte Oreilles Band of Lake Superior Chippewa Indians	Lac Courte Oreilles	Lac Courte LI–WI–9	13,184.65
11. Keweenaw Bay Indian Community	L'Anse	L'Anse LI–MI–8	4,016.49
12. Minnesota Chippewa Tribe	White Earth	Twin Lakes LI–MN–6	38,544.80
		Flat Lake LI–MN–15	
13. Navajo Tribe	Navajo	Gallup-Two Wells LI–NM–18	69,947.24
14. Oglala Sioux Tribe	Pine Ridge	Pine Ridge LI–SD–7	18,064.48
15. Rosebud Sioux Tribe	Rosebud	Cutmeat LI–SD–8	28,734.59
		Antelope LI–SD–9	
16. Shoshone-Bannock Tribes	Fort Hall	Fort Hall LI–ID–2	8,711
17. Standing Rock Sioux Tribe	Standing Rock	Standing Rock LI–ND–10	10,255.5
		Standing Rock LI–SD–10	

(b) The Secretary of the Interior shall cause to be published in the Federal Register the boundaries and descriptions of the lands conveyed by sections 459 to 459e of this title. The acreages set out in the preceding subsection are estimates and shall not be construed as expanding or limiting the grant of the United States as defined in section 459 of this title. (Pub. L. 94–114, § 2, Oct. 17, 1975, 89 Stat. 578.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459, 459c to 459e of this title.

§ 459b. Submarginal lands of United States held in trust for Stockbridge Munsee Indian Community.

All of the right, title, and interest of the United States in all the minerals including gas and oil underlying the submarginal lands declared to be held in trust for the Stockbridge Munsee Indian Community by the Act of October 9, 1972 (86 Stat. 795), are hereby declared to be held by the United States in trust for the Stockbridge Munsee Indian Community. (Pub. L. 94–114, § 3(a), Oct. 17, 1975, 89 Stat. 578.)

REFERENCES IN TEXT

Act of October 9, 1972 (86 Stat. 795), referred to in the text, is Pub. L. 92–480, and was not classified to the Code.

CODIFICATION

Section is comprised of section 3(a) of Pub. L. 94–114. Section 3(b) of Pub. L. 94–114 repealed section 2 of Pub. L. 92–480, which related to claims offset involving the Stockbridge Munsee Indian Community and was not classified to the Code. Section 3(c) of Pub. L. 94–114 amended section 5 of Pub. L. 92–488, which related to claims offset involving the Burns Indian Colony and was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459, 459a, 459c to 459e of this title.

§ 459c. Preservation of existing rights of possession, contract, interest, title, etc.; continuation in force and effect of existing mineral, oil, and gas leases; rejection of pending applications for mineral, oil, and gas leases and refund of advance rental payments; administration of lands.

(a) Nothing in sections 459 to 459e of this title shall deprive any person of any existing valid right of possession, contract right, interest, or title he may have in the land involved, or of any existing right of access to public domain lands over and across the land involved, as determined by the Secretary of the Interior. All existing mineral leases, including oil and gas leases, which may have been issued or approved pursuant to section 5 of the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 913, 915), or the Mineral Leasing Act of 1920 (41 Stat. 437), as amended prior to October 17, 1975, shall remain in force and effect in accordance with the provisions thereof. All applications for mineral leases, including oil and gas leases, pursuant to such Acts, pending on October 17, 1975, and covering any of the minerals conveyed by sections 459 and 459b of this title shall be rejected and the advance rental payments returned to the applicants.

(b) Subject to the provisions of subsection (a) of this section, the property conveyed by sections 459 to 459e of this title shall hereafter be administered in accordance with the laws and regulations applicable to property held in trust by the United States for Indian tribes, including but not limited to the Act of May 11, 1938 (52 Stat. 347), as amended. (Pub. L. 94–114, § 4, Oct. 17, 1975, 89 Stat. 578.)

REFERENCES IN TEXT

Section 5 of the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 913, 915), referred to in subsec. (a), is classified to section 354 of Title 30, Mineral Lands and Mining.

Mineral Leasing Act of 1920 (41 Stat. 437), referred to in subsec. (a), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, which is classified to section 181 et seq. of Title 30.

Such Acts, referred to in subsec. (a), are the Mineral Leasing Act for Acquired Lands and the Mineral Leasing Act of 1920.

Act of May 11, 1938 (52 Stat. 347), as amended, referred to in subsec. (b), is act May 11, 1938, ch. 198, §§ 1 to 8, 52 Stat. 347, which is classified to sections 396a to 396g of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459, 459a, 459d, 459e of this title.

§ 459d. Gross receipts from conveyed lands; deposit to credit of tribe receiving lands and expenditures for beneficial programs for tribe; nonapplicability to receipts from Mineral Leasing Act of 1920; administration of gross receipts.

(a) Any and all gross receipts derived from, or which relate to, the property conveyed by sections 459 to 459e of this title, the Act of July 20, 1956 (70 Stat. 581), the Act of August 2, 1956 (70 Stat. 941), the Act of October 9, 1972 (86 Stat. 795), and section 1 of the Act of October 13, 1972 (86 Stat. 806) which were received by the United States subsequent to its acquisition by the United States under the statutes cited in section 459 of this title and prior to such conveyance, from whatever source and for whatever purpose, including but not limited to the receipts in the special fund of the Treasury as required by section 6 of the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 913, 915), shall as of October 17, 1975, be deposited to the credit of the Indian tribe receiving such land and may be expended by the tribe for such beneficial programs as the tribal governing body may determine: *Provided,* That this section shall not apply to any such receipts received prior to October 17, 1975, from the leasing of public domain minerals which were subject to the Mineral Leasing Act of 1920 (41 Stat. 437), as amended and supplemented.

(b) All gross receipts (including but not limited to bonuses, rents, and royalties) hereafter derived by the United States from any contract, permit or lease referred to in section 459c(a) of this title, or otherwise, shall be administered in accordance with the laws and regulations applicable to receipts from property held in trust by the United States for Indian tribes. (Pub. L. 94–114, § 5, Oct. 17, 1975, 89 Stat. 579.)

REFERENCES IN TEXT

Act of July 20, 1956 (70 Stat. 581), referred to in subsec. (a), is set out as a note under section 465 of this title.

Act of August 2, 1956 (70 Stat. 941), referred to in subsec. (a), was not classified to the Code.

Act of October 9, 1972 (86 Stat. 795), referred to in subsec. (a), is Pub. L. 92–480 and was not classified to the Code.

Section 1 of the Act of October 13, 1972 (86 Stat. 806), referred to in subsec. (a), is section 1 of Pub. L. 92–488 and was not classified to the Code.

For statutes cited in section 459 of this title, referred to in subsec. (a), see text of such section and References in Text notes set out thereunder.

Section 6 of the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 913, 915), referred to in subsec. (a), is classified to section 355 of Title 30, Mineral Lands and Mining.

Mineral Leasing Act of 1920 (41 Stat. 437), as amended and supplemented, referred to in subsec. (a), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, which is classified to section 181 et seq. of Title 30.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459, 459a, 459c, 459e of this title.

§ 459e. Tax exemption for conveyed lands and gross receipts; distribution of gross receipts to tribal members.

All property conveyed to tribes pursuant to sections 459 to 459e of this title and all the receipts therefrom referred to in section 459d of this title, shall be exempt from Federal, State, and local taxation so long as such property is held in trust by the United States. Any distribution of such receipts to tribal members shall neither be considered as income or resources of such members for purposes of any such taxation nor as income, resources, or otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such member or his household would otherwise be entitled to under the Social Security Act or any other Federal or federally assisted program. (Pub. L. 94–114, § 6, Oct. 17, 1975, 89 Stat. 579.)

REFERENCES IN TEXT

Social Security Act, referred to in the text, is classified to chapter 7 (section 301 et seq.) of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459, 459a, 459c, 459d of this title.

PROTECTION OF INDIANS AND CONSERVATION OF RESOURCES

SECTIONS REFERRED TO IN OTHER SECTIONS

Sections 461 et seq. are referred to in sections 903a, 903c, 1461 of this title; title 43 section 1615.

§ 465. Acquisition of lands, water rights or surface rights; appropriation; title to lands; tax exemption.

PAYSON BAND, YAVAPAI-APACHE INDIAN RESERVATION

Pub. L. 92–470, Oct. 6, 1972, 86 Stat. 783, provided:

"That (a) a suitable site (of not to exceed eighty-five acres) for a village for the Payson Community of Yavapai-Apache Indians shall be selected in the Tonto National Forest within Gila County, Arizona, by the leaders of the community, subject to approval by the Secretary of the Interior and the Secretary of Agriculture. The site so selected is hereby declared to be held by the United States in trust as an Indian reservation for the use and benefit of the Payson Community of Yavapai-Apache Indians.

"(b) The Payson Community of Yavapai-Apache Indians shall be recognized as a tribe of Indians within the purview of the Act of June 18, 1934, as amended (25 U.S.C. 461–479, relating to the protection of Indians and conservation of resources), and shall be subject to all of the provisions thereof."

§ 476. Organization of Indian tribes; constitution and bylaws; special election.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

§ 487. Spokane Indian Reservation; consolidations of land.

* * * * *

(c) Nontaxability.

Title to lands, or any interests therein, acquired pursuant to this section for the Spokane Tribe or individual enrolled members thereof, shall be taken in the name of the United States of America in trust for the tribe or individual Indian, and shall be nontaxable as other tribal and allotted Indian trust lands of the Spokane Reservation.

* * * * *

(As amended Pub. L. 93–286, May 21, 1974, 88 Stat. 142.)

AMENDMENTS

1974—Subsec. (c). Pub. L. 93–286 substituted "for the Spokane Tribe or individual" for "by the Spokane Tribe or individual", and struck out proviso that the value on nontrust lands, or nontrust interests in land, acquired under this section by the Spokane Tribe during any twelve-month period shall not exceed the value of lands, or interests in land, that passed in any manner from a nontaxable trust status to a taxable fee status within the boundaries of the Spokane Reservation in Stevens County, Washington, during the twelve-month period preceding acquisition by the tribe.

INDIANS OF ALASKA

§§ 495, 497.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in title 43 section 1618.

INDIANS IN OKLAHOMA: PROMOTION OF WELFARE

SECTIONS REFERRED TO IN OTHER SECTIONS

Section 501 et seq. is referred to in sections 324, 1461 of this title.

KLAMATH TRIBE: TERMINATION OF FEDERAL SUPERVISION

§ 564j. Taxes; initial exemption; taxes following distribution; valuation for capital gains or losses.

GAINS FROM CONDEMNATION OF CERTAIN FOREST LANDS HELD IN TRUST

Section 1 of Pub. L. 94–81, Aug. 9, 1975, 89 Stat. 417, provided:

"That, for purposes of the Internal Revenue Code of 1954 [Title 26], gain resulting from the condemnation, pursuant to Public Law 93–102 [section 564w–2 of this title], of the Klamath Indian forest lands held by the trustee for the Klamath Indian Tribe—

"(1) shall be excluded from the gross income of the trust, and

"(2) on the distribution from the trust of the proceeds of such condemnation, shall be excluded from the gross income of each person receiving such distribution."

§ 564w. Education and training program; purposes; subjects; transportation; subsistence; contracts; other education programs.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 564w–2 of this title.

§ 564w–2. Federal acquisition of tribal lands.

(a) The Secretary of Agriculture is authorized and directed to acquire by condemnation all of the Klamath Indian forest lands which the trustee for the Klamath Indian Tribe is required to sell by the terms of its trust agreement, and the lands so acquired shall become a part of the Winema National Forest.

(b) The condemnation action may be initiated either before or after the lands are offered for sale by the trustee, and for the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated not to exceed $70,000,000.

(c) The homesite provisions of section 564w(g) of this title shall apply to the lands acquired by the Secretary pursuant to this section. (Aug. 13, 1954, ch. 732, § 29, as added Aug. 16, 1973, Pub. L. 93–102, 87 Stat. 349.)

SHOSHONE TRIBE; DISTRIBUTION OF JUDGMENT FUND

§ 581. Disposition of funds.

The funds on deposit in the Treasury of the United States to the credit of the Shoshone Nation or Tribe of Indians and the Shoshone-Bannock Tribes that were appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment in the sum of $15,700,000 entered by the Indian Claims Commission in consolidated dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, and the interest thereon, after deducting attorneys' fees, litigation expenses, and other appropriation deductions, shall be apportioned by the Secretary of the Interior to the Shoshone Tribe of the Wind River Reservation, Wyoming, the Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho, and the Northwest Band of Shoshone Indians (hereinafter the "three groups"), as set forth in sections 581 to 590 of this title. (Pub. L. 92–206, § 1, Dec. 18, 1971, 85 Stat. 737.)

REFERENCES IN TEXT

Act of June 19, 1968 (82 Stat. 239), referred to in text, is Pub. L. 90–352, which provided for supplemental appropriation for fiscal year ending June 30, 1968, and was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 585, 586, 589, 590 of this title.

§ 582. Shoshone-Bannock Tribes of the Fort Hall Reservation; credit of funds.

The sum of $500,000, and the interest thereon, less attorneys' fees and other appropriate deductions all in the proportion that the $500,000 bears to the $15,700,000, shall be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for claims of the tribes enumerated in dockets numbered 326–D, 326–E, 326–F, 326–G, and 366. (Pub. L. 92–206, § 2, Dec. 18, 1971, 85 Stat. 737.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 581, 585, 586, 589, 590 of this title.

§ 583. Northwestern Bands of Shoshone Indians; credit of funds.

The sum of $1,375,000 plus the earned interest thereon less $181,732 shall be credited to the Northwestern Bands of Shoshone Indians for claims of the bands enumerated in dockets numbered 326–H, and 367. (Pub. L. 92–206, § 3, Dec. 18, 1971, 85 Stat. 737.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 581, 585, 586, 589, 590 of this title.

§ 584. Apportionment of remaining funds; Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation.

The remainder of the award shall be apportioned between the Shoshone-Bannock Tribes of the Fort Hall Reservation and the Shoshone Tribe of the Wind River Reservation in accordance with an agreement entered into between the Shoshone-Bannock Tribes and the Shoshone Tribe of the Wind River Reservation in May 1965, approved by the Associate Commissioner of Indian Affairs in December 1965. (Pub. L. 92–206, § 4, Dec. 18, 1971, 85 Stat. 737.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 581, 585, 586, 589, 590 of this title.

§ 585. Membership rolls; preparation; eligibility for enrollment; application; finality of determination.

For the purpose of apportioning the award in accordance with sections 581 to 590 of this title, membership rolls, duly approved by the Secretary of the Interior, shall be prepared for each of the three groups, as follows:

(a) The governing body of the Shoshone Tribe of the Wind River Reservation and the governing body of the Shoshone-Bannock Tribes, each shall, with the assistance of the Secretary, bring current the membership rolls of their respective tribes, to include all persons born prior to and alive on December 18, 1971, who are enrolled or eligible to be enrolled in accordance with the membership requirements of their respective tribes.

(b) The proposed roll of the Northwestern Bands of Shoshone Indians entitled to participate in the distribution of the judgment funds shall be prepared by the governing officers of said Northwestern Bands, with the assistance of the Secretary of the Interior, within six months after December 18, 1971, authorizing distribution of said funds. The roll shall include all persons who meet all of the following requirements of eligibility:

(1) They were born prior to and alive on December 18, 1971;

(2) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(a) Roll dated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(b) Roll dated January 1, 1940, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(c) Roll dated March 10, 1954.

(d) Roll dated April 21, 1964.

or they possess one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(3) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(4) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326–J, Shoshone-Goshute, and docket 326–K, Western Shoshone.

The proposed roll shall be published in the Federal Register, and in a newspaper of general circulation in the State of Utah. Any person claiming membership rights in the Northwestern Bands of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within sixty days from the date of publication in the Federal Register, or in the newspaper of general circuation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll. The Secretary shall review such appeals, and his decision thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, the roll of the Northwestern Bands of Shoshone Indians shall be published in the Federal Register and such roll shall be final. (Pub. L. 92–206, § 5, Dec. 18, 1971, 85 Stat. 737.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 581, 586, 587, 589, 590 of this title.

§ 586. Northwestern Band of Shoshone Indians; payment to enrollees; heirs or legatees; trust for minors and persons under legal disability.

The funds apportioned to the Northwestern Band of Shoshone Indians, less attorney's fees, and expenses due the attorneys representing the Northwestern Band under an approved contract, effective March 1, 1968, shall be placed to its credit in the United States Treasury and shall be distributed equally to the members whose names appear on the final roll and in accordance with the provisions of sections 581 to 590 of this title.

(a) The per capita shares shall be determined on the basis of the number of persons listed on the proposed roll published as hereinbefore provided and the number of persons on whose behalf an appeal has been taken to the Secretary contesting omission from such proposed roll. The share of those persons excluded from the final roll by reason of the decision of the Secretary on appeal shall be distributed equally to the persons included on the final roll.

(b) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. A share or interest therein payable to enrollees or their heirs or legatees who are less than tweny-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons. (Pub. L. 92–206, § 6, Dec. 18, 1971, 85 Stat. 738.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 581, 585, 589, 590 of this title.

§ 587. Shoshone-Bannock Tribes of the Fort Hall Reservation; payment to enrollees; heirs or legatees; trust for minors and persons under legal disability.

(a) The funds apportioned to the Shoshone-Bannock Tribes of the Fort Hall Reservation shall be placed to their credit in the United States Treasury. Seventy-five percent of such funds shall be dis-

tributed per capita to all persons born on or before and living on December 18, 1971, who are duly enrolled on the roll prepared in accordance with section 585(a) of this title.

(b) The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Shoshone-Bannock Tribes to be expended for any purpose designated by the tribal governing body and approved by the Secretary.

(c) Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(d) The funds remaining after provision is made for the per capita distribution may be used, advanced, expended, invested, or reinvested for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior. (Pub. L. 92–206, § 7, Dec. 18, 1971, 85 Stat. 738.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 581, 585, 586, 589, 590 of this title.

§ 588. Shoshone Tribe of the Wind River Reservation; distribution of funds.

The funds apportioned to the Shoshone Tribe of the Wind River Reservation shall be placed to its credit in the United States Treasury and shall be distributed in accordance with the provisions of sections 611 to 613 of this title. (Pub. L. 92–206, § 8, Dec. 18, 1971, 85 Stat. 739.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 581, 585, 586, 589, 590 of this title.

§ 589. Tax exemption.

Any funds distributed per capita under provisions of sections 581 to 590 of this title shall not be subject to Federal or State income tax. (Pub. L. 92–206, § 9, Dec. 18, 1971, 85 Stat. 739.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 581, 585, 586, 590 of this title.

§ 590. Rules and regulations.

The Secretary of the Interior in authorized to prescribe rules and regulations to carry out the provisions of sections 581 to 590 of this title. (Pub. L. 92–206, § 10, Dec. 18, 1971, 85 Stat. 739.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 581, 585, 586, 589 of this title.

§ 590a. Shoshone-Bannock Tribes of the Fort Hall Reservation; credit of funds.

The funds on deposit in the United States Treasury to the credit of the Lemhi Tribe, represented by the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, appropriated by the Act of May 25, 1971 (Public Law 92–18), to pay a judgment of $4,500,000 entered by the Indian Claims Commission in docket numbered 326–I, and interest thereon less attorneys' fees and expenses shall be credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation for the claims of said tribes enumerated in docket numbered 326–I. (Pub. L. 92–442, § 1, Sept. 29, 1972, 86 Stat. 743.)

REFERENCES IN TEXT

Act of May 25, 1971 (Pub. L. 92–18), referred to in the text, is the Second Supplemental Appropriation Act, 1971, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590b, 590c of this title.

§ 590b. Same; disposition of funds.

The funds credited to the Shoshone-Bannock Tribes of the Fort Hall Reservation pursuant to section 590a of this title, may be advanced, deposited, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior. (Pub. L. 92–442, § 2, Sept. 29, 1972, 86 Stat. 744.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590c of this title.

§ 590c. Same; tax exemption; trusts for minors and persons under legal disability.

None of the funds distributed per capita to members of the tribes under the provisions of sections 590a to 590c of this title shall be subject to Federal or State income taxes. A share or interest payable to enrollees less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons. (Pub. L. 92–442, § 3, Sept. 29, 1972, 86 Stat. 744.)

CHIPPEWA TRIBE OF MINNESOTA

§§ 594, 594a.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 1242 of this title.

SHOSHONE AND ARAPAHO TRIBES OF WYOMING

§§ 611–613.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 588 of this title.

NAVAJO AND HOPI TRIBES: REHABILITATION

SECTIONS REFERRED TO IN OTHER SECTIONS

Section 631 et seq. is referred to in section 1461 of this title.

§ 639. Additional Social Security contributions to States.

Beginning with the quarter commencing July 1, 1950, the Secretary of the Treasury shall pay quarterly to each State (from sums made available for making payments to the States under section 603(a) of Title 42) an amount, in addition to the amount prescribed to be paid to such State under such section, equal to 80 per centum of the total amount of contributions by the State toward expenditures during the preceding quarter by the State, under the State plan approved under the Social Security Act for aid to dependent children to Navajo and Hopi

Indians residing within the boundaries of the State on reservations or on allotted or trust lands, with respect to whom payments are made to the State by the United States under section 603(a) of Title 42, not counting so much of such expenditure to any individual for any month as exceeds the limitations prescribed in such section. (Apr. 19, 1950, ch. 92, § 9, 64 Stat. 47, amended Oct. 30, 1972, Pub. L. 92–603, title III, § 303(c), 86 Stat. 1484; Dec. 30, 1973, Pub. L. 93–233, § 19(a), 87 Stat. 974.)

REFERENCES IN TEXT

Social Security Act, referred to in the text, is classified to chapter 7 of Title 42, The Public Health and Welfare.

AMENDMENTS

1973—Pub. L. 92–603, as amended by Pub. L. 93–233, struck out provision for repeal of section effective Jan. 1, 1974, and in the text deleted references to payments to the States under sections 303(a) and 1203(a) of Title 42 and provision for contributions by the State under State plans for old age assistance and aid to the needy blind.

1972—Pub. L. 92–603 repealed provisions for additional social security contributions to States for old age assistance, aid to dependent children, and aid to the needy blind, to Navajo and Hopi Indians residing within the boundaries of the State on reservations or on allotted or trust lands, effective Jan. 1, 1974.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 631 to 633, 636, 638, 640 of this title.

§ 640. Repealed. Pub. L. 93–531, § 26, Dec. 22, 1974, 88 Stat. 1723.

Section, act Apr. 19, 1950, ch. 92, § 10, 64 Stat. 47, established the Joint Committee on Navajo-Hopi Indian Administration, with the function of making a continuous study of the programs for the administration and rehabilitation of the Navajo and Hopi Indians.

EFFECTIVE DATE OF REPEAL

Section 26 of Pub. L. 93–531 provided in part that the repeal of this section is effective as of the close of business December 31, 1974.

§ 640a. Navajo Community College; purpose.

It is the purpose of sections 640a to 640c of this title to assist the Navajo Tribe of Indians in providing education to the members of the tribe and other qualified applicants through a community college, established by that tribe, known as the Navajo Community College. (Pub. L. 92–189, § 2, Dec. 15, 1971, 85 Stat. 646.)

SHORT TITLE

Section 1 of Pub. L. 92–189 provided: "That this Act [enacting sections 640a to 640c of this title] may be cited as the 'Navajo Community College Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 640c of this title.

§ 640b. Same; grants.

The Secretary of Interior is authorized to make grants to the Navajo Tribe of Indians to assist the tribe in the construction, maintenance, and operation of the Navajo Community College. Such college shall be designed and operated by the Navajo Tribe to insure that the Navajo Indians and other qualified applicants have educational opportunities which are suited to their unique needs and interests. (Pub. L. 92–189, § 3, Dec. 15, 1971, 85 Stat. 646.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640a, 640c of this title.

§ 640c. Same; authorization of appropriations.

For the purpose of making grants under sections 640a to 640c of this title, there are hereby authorized to be appropriated not to exceed $5,500,000 for construction, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations from 1971 construction costs as indicated by engineering cost indexes applicable to the types of construction involved, and an annual sum for operation and maintenance of the college that does not exceed the average amount of the per capita contribution made by the Federal Government to the education of Indian students at federally operated institutions of the same type. (Pub. L. 92–189, § 4, Dec. 15, 1971, 85 Stat. 646.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 640a of this title.

NAVAJO AND HOPI TRIBES; SETTLEMENT OF RIGHTS AND INTERESTS [NEW]

§ 640d. Mediator.

(a) Appointment; duties; qualifications; termination of duties.

Within thirty days after December 22, 1974, the Director of the Federal Mediation and Conciliation Service shall appoint a Mediator (hereinafter referred to as the "Mediator") who shall assist in the negotiations for the settlement and partition of the relative rights and interests, as determined by the decision in the case of Healing v. Jones (210 F. Supp. 125, D. Ariz., 1962, aff'd 363 U.S. 758, 1963) (hereinafter referred to as the "Healing case"), of the Hopi and Navajo Tribes (hereinafter referred to as the "tribes") to and in lands within the reservation established by the Executive order of December 16, 1882, except land management district no. 6 (such lands hereinafter referred to as the "joint use area"). The Mediator shall not have any interest, direct or indirect, in the settlement of the interests and rights set out in this subsection. The duties of the Mediator shall cease upon the entering of a full agreement into the records of the supplemental proceedings pursuant to section 640d–2 of this title or the submission of a report to the District Court after a default in negotiations or a partial agreement pursuant to section 640d–3 of this title.

(b) Nature of proceedings.

The proceedings in which the Mediator shall be acting under the provisions of sections 640d to 640d–24 of this title shall be the supplemental proceedings in the Healing case now pending in the United States District Court for the District of Arizona (hereinafter referred to as "the District Court").

(c) Interagency committee.

(1) The Mediator is authorized to request from any department, agency, or independent instrumentality of the Federal Government any information, personnel, service, or materials he deems necessary to carry out his responsibilities under the provisions of sections 640d to 640d–24 of this title. Each such department, agency, or instrumentality is authorized to cooperate with the Mediator and to comply with such requests to the extent permitted by law, on a reimbursable or nonreimbursable basis.

(2) To facilitate the expeditious and orderly compilation and development of factual information relevant to the negotiating process, the President shall, within fifteen days of December 22, 1974, establish an interagency committee chaired by the Secretary of the Interior (hereinafter referred to as the "Secretary") to develop relevant information and to respond to the requests of the Mediator.

(d) Liaison with Secretary.

The Secretary shall appoint a full-time representative as his liaison with the Mediator to facilitate the provision of information and assistance requested by the Mediator from the Department of the Interior.

(e) Staff assistants and consultants.

The Mediator may retain the services of such staff assistants and consultants as he shall deem necessary, subject to the approval of the Director of the Federal Mediation and Conciliation Service. (Pub. L. 93–531, § 1, Dec. 22, 1974, 88 Stat. 1712.)

EX. ORD. NO. 11829. HOPI-NAVAJO LAND SETTLEMENT INTERAGENCY COMMITTEE

Ex. Ord. No. 11829, Jan. 6, 1975, 40 F.R. 1497, as amended by Ex. Ord. No. 11853, Apr. 17, 1975, 40 F.R. 17537, provided:

By virtue of the authority vested in me by Section 1(c)(2) of the Act [subsec. (c)(2) of this section] to provide for final settlement of the conflicting rights and interests of the Hopi and Navajo Tribes concerning lands within the reservation established by the Executive order of December 16, 1882, and lands within the reservation created by the Act of June 14, 1934, and for other purposes (Public Law 93–531, approved December 22, 1974, hereinafter referred to as the Act) [sections 640d to 640d–24 of this title], and as President of the United States of America, it is hereby ordered:

SECTION 1. There is established the Hopi-Navajo Land Settlement Interagency Committee (hereinafter referred to as the Committee). The membership of the Committee shall consist of the Secretary of the Interior, who shall be its Chairman, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Secretary of Housing and Urban Development.

Sec. 2. *Functions of the Committee.* (a) The Committee shall, to the extent permitted by law, and as provided by Section 1(c)(2) of the Act [subsec. (c)(2) of this section], develop relevant information for and respond to the requests of the Mediator who shall be appointed by the Director of the Federal Mediation and Conciliation Service pursuant to Section 1(a) of the Act [subsec. (a) of this section], in order to facilitate the expeditious and orderly compilation and development of factual information relevant to the negotiation process established by the Act.

(b) The Chairman shall call meetings of the Committee and shall establish liaison with the Mediator. This shall be done so the Committee can, in view of the time limit set for the negotiating process by Section 3(a) of the Act [sections 640d–2(a) of this title], provide information and assistance to the Mediator as expeditiously as practicable.

SEC. 3. The Department of the Interior shall, to the extent permitted by law, furnish the Committee such administrative services and support as may be necessary.

SEC. 4. The Committee shall terminate upon the completion of the Mediator's duties, as determined in accordance with the provisions of Section 1(a) of the Act [subsec. (a) of this section.] The Mediator shall advise the Chairman when his duties have ceased. Any records which may have been maintained by the Committee shall be transferred to the Secretary of the Interior.

GERALD R. FORD.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–1. Negotiating teams.

(a) Appointment; time; membership and certification; nature of authority.

Within thirty days after December 22, 1974, the Secretary shall communicate in writing with the tribal councils of the tribes directing the appointment of a negotiating team representing each tribe. Each negotiating team shall be composed of not more than five members to be certified by appropriate resolution of the respective tribal council. Each tribal council shall promptly fill any vacancies which may occur on its negotiating team. Notwithstanding any other provision of law, each negotiating team, when appointed and certified, shall have full authority to bind its tribe with respect to any other matter concerning the joint use area within the scope of sections 640d to 640d–24 of this title.

(b) Failure to select and certify.

In the event either or both of the tribal councils fail to select and certify a negotiating team within thirty days after the Secretary communicates with the tribal council under subsection (a) of this section or to select and certify a replacement member within thirty days of the occurrence of a vacancy, the provisions of section 640d–3(a) of this title shall become effective.

(c) First negotiating session; time and place; chairman; suggestions for procedure, agenda, and resolution of issues in controversy.

Within fifteen days after formal certification of both negotiating teams to the Mediator, the Mediator shall schedule the first negotiating session at such time and place as he deems appropriate. The negotiating sessions, which shall be chaired by the Mediator, shall be held at such times and places as the Mediator deems appropriate. At such sessions, the Mediator may, if he deems it appropriate, put forward his own suggestions for procedure, the agenda, and the resolution of the issues in controversy.

(d) Failure to attend two consecutive sessions or bargain in good faith.

In the event either negotiating team fails to attend two consecutive sessions or, in the opinion of the Mediator, either negotiating team fails to bargain in good faith or an impasse is reached, the provisions of section 640d–3(a) of this title shall become effective.

(e) Disagreements within team.

In the event of a disagreement within a negotiating team the majority of the members of the team shall prevail and act on behalf of the team unless the resolution of the tribal council certifying the team specifically provides otherwise. (Pub. L. 93–531, § 2, Dec. 22, 1974, 88 Stat. 1712.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–2 to 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–2. Implementation of agreements.

(a) Full agreement.

If, within one hundred and eighty days after the first session scheduled by the Mediator under section 640d–1(c) of this title, full agreement is reached, such agreement shall be put in such form as the Mediator determines best expresses the intent of the

tribes and shall then be submitted to the Secretary and the Attorney General of the United States for their comments as they relate to the interest of the United States in the proceedings. These comments are to be submitted to the Mediator and the negotiating teams within thirty days. The negotiating teams and the Mediator shall then consider the comments and, if agreement can still be reached on terms acceptable to the negotiating teams and the Mediator within sixty days of receipt by him of the comments, the agreement shall be put in final written form and shall be signed by the members of the negotiating teams and the Mediator. The Mediator shall then cause the agreement to be entered into the records of the supplemental proceedings in the Healing case. The provisions of the agreement shall be reviewed by the District Court, modified where necessary, and put into effect immediately thereafter.

(b) Partial agreement.

If, within the one hundred and eighty day period referred to in subsection (a) of this section, a partial agreement has been reached between the tribes and they wish such partial agreement to go into effect, they shall follow the procedure set forth in subsection (a) of this section. The partial agreement shall then be considered by the Mediator in preparing his report, and the District Court in making a final adjudication, pursuant to section 640d–3 of this title.

(c) Consistency with existing law.

For the purpose of this section, the negotiating teams may make any provision in the agreement or partial agreement not inconsistent with existing law. No such agreement or any provision in it shall result in a taking by the United States of private property compensable under the Fifth Amendment of the Constitution of the United States. (Pub. L. 93–531, § 3, Dec. 22, 1974, 88 Stat. 1713.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3 to 640d–5, 640d–8, 640d–9, 640d–11 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–3. Default or failure to reach agreement; recommendations to District Court; final adjudication; priority over other matters.

(a) If the negotiating teams fail to reach full agreement within the time period allowed in section 640d–2(a) of this title or if one or both of the tribes are in default under the provisions of section 640d–1 (b) or (d) of this title, the Mediator, within ninety days thereafter, shall prepare and submit to the District Court a report containing his recommendations for the settlement of the interests and rights set out in section 640d(a) of this title which shall be most reasonable and equitable in light of the law and circumstances and consistent with the provisions of sections 640d to 640d–24 of this title. Following the District Court's review of the report and recommendations (which are not binding thereon) and any further proceedings which the District Court may schedule, the District Court is authorized to make a final adjudication, including partition of the joint use area, and enter the judgments in the supplemental proceedings in the Healing case.

(b) Any proceedings as authorized in subsection (a) of this section shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the District Court at that time, and shall be expedited in every way by the Court. (Pub. 93–531, § 4, Dec. 22, 1974, 88 Stat. 1713.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d to 640d–2, 640d–4, 640d–5, 640d–8, 640d–9, 640d–11 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–4. Authorized recommendations for faciliation of agreement or report to District Court; discretionary nature of recommendations.

(a) For the purpose of facilitating an agreement pursuant to section 640d–2 of this title or preparing a report pursuant to section 640d–3 of this title, the Mediator is authorized—

(1) notwithstanding the provisions of section 211 of this title, to recommend that, subject to the consent of the Secretary, there be purchased or otherwise acquired additional lands for the benefit of either tribe from the funds of either tribe or funds under any other authority of law;

(2) to recommend that, subject to the consent of the Secretary, there be undertaken a program of restoration of lands lying within the joint use area, employing for such purpose funds authorized by sections 640d to 640d–24 of this title, funds of either tribe, or funds under any other authority of law;

(3) to recommend that, subject to the consent of the Secretary, there be undertaken a program for relocation of members of one tribe from lands which may be partitioned to the other tribe in the joint use area;

(4) to recommend, in exceptional cases where necessary to prevent personal hardship, a limited tenure for residential use, not exceeding a life estate, and a phased relocation of members of one tribe from lands which may be partitioned to the other tribe in the joint use area; and

(5) to make any other recommendations as are in conformity with sections 640d to 640d–24 of this title and the Healing case to facilitate a settlement.

(b) The authorizations contained in subsection (a) of this section shall be discretionary and shall not be construed to represent any directive of the Congress. (Pub. L. 93–531, § 5, Dec. 22, 1974, 88 Stat. 1714.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–5. Considerations and guidelines for preparation of report by Mediator and final adjudication by District Court.

The Mediator in preparing his report, and the District Court in making the final adjudication, pursuant to section 640d–3 of this title, shall consider and be guided by the decision of the Healing case, under which the tribes have joint, undivided, and equal interests in and to all of the joint use area; by any partial agreement reached by the

parties under section 640d–2(b) of this title; by the last best offer for a complete settlement as a part of the negotiating process by each of the tribes; and by the following:

(a) The rights and interests, as defined in the Healing case, of the Hopi Tribe in and to that portion of the reservation established by the Executive order of December 16, 1882, which is known as land management district no. 6 (hereinafter referred to as the "Hopi Reservation") shall not be reduced or limited in any manner.

(b) The boundary lines resulting from any partitioning of lands in the joint use area shall be established so as to include the higher density population areas of each tribe within the portion of the lands partitioned to such tribe to minimize and avoid undue social, economic, and cultural disruption insofar as practicable.

(c) In any division of the surface rights to the joint use area, reasonable provision shall be made for the use of and right of access to identified religious shrines for the members of each tribe on the reservation of the other tribe where such use and access are for religious purposes.

(d) In any partition of the surface rights to the joint use area, the lands shall, insofar as is practicable, be equal in acreage and quality: *Provided*, That if such partition results in a lesser amount of acreage, or value, or both to one tribe such differential shall be fully and finally compensable to such tribe by the other tribe. The value of the land for the purposes of this subsection shall be based on not less than its value with improvements and its grazing capacity fully restored: *Provided further*, That, in the determination of compensation for any such differential, the Federal Government shall pay any difference between the value of the particular land involved in its existing state and the value of such land in a fully restored state which results from damage to the land which the District Court finds attributable to a failure of the Federal Government to provide protection where such protection is or was required by law or by the demands of the trust relationship.

(e) Any lands partitioned to each tribe in the joint use area shall, where feasible and consistent with the other provisions of this section, be contiguous to the reservation of each such tribe.

(f) Any boundary line between lands partitioned to the two tribes in the joint use area shall, insofar as is practicable, follow terrain which will facilitate fencing or avoid the need for fencing.

(g) Any claim the Hopi Tribe may have against the Navajo Tribe for an accounting of all sums collected by the Navajo Tribe since September 17, 1957, as trader license fees or commissions, lease rental or proceeds, or other similar charges for doing business or for damages in the use of lands within the joint use area, shall be for a one-half share in such sums.

(h) Any claim the Hopi Tribe may have against the Navajo Tribe for the determination and recovery of the fair value of the grazing and agricultural use of the lands within the joint use area by the Navajo Tribe and its individual members, since September 28, 1962, shall be for one-half of such value. (Pub. L. 93–531, § 6, Dec. 22, 1974, 88 Stat. 1714.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–6. Joint ownership and management of coal, oil, gas and other minerals within or underlying partitioned lands; division of proceeds.

Partition of the surface of the lands of the joint use area shall not affect the joint ownership status of the coal, oil, gas, and all other minerals within or underlying such lands. All such coal, oil, gas, and other minerals within or underlying such lands shall be managed jointly by the two tribes, subject to supervision and approval by the Secretary as otherwise required by law, and the proceeds therefrom shall be divided between the tribes, share and share alike. (Pub. L. 93–531, § 7, Dec. 22, 1974, 88 Stat. 1715.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–7. Determination of tribal rights and interests in land.

(a) Authorization to commence and defend actions in District Court.

Either tribe, acting through the chairman of its tribal council for and on behalf of the tribe, is each hereby authorized to commence or defend in the District Court an action against the other tribe and any other tribe of Indians claiming any interest in or to the area described in the Act of June 14, 1934, except the reservation established by the Executive Order of December 16, 1882, for the purpose of determining the rights and interests of the tribes in and to such lands and quieting title thereto in the tribes.

(b) Allocation of land to respective reservations upon determination of interests.

Lands, if any, in which the Navajo Tribe or Navajo individuals are determined by the District Court to have the exclusive interest shall continue to be a part of the Navajo Reservation. Lands, if any, in which the Hopi Tribe, including any Hopi village or clan thereof, or Hopi individuals are determined by the District Court to have the exclusive interest shall thereafter be a reservation for the Hopi Tribe. Any lands in which the Navajo and Hopi Tribes or Navajo or Hopi individuals are determined to have a joint or undivided interest shall be partitioned by the District Court on the basis of fairness and equity and the area so partitioned shall be retained in the Navajo Reservation or added to the Hopi Reservation, respectively.

(c) Authorization for exchange of reservation lands.

The Navajo and Hopi Tribes are hereby authorized to exchange lands which are part of their respective reservations.

(d) Denial of Congressional interest in merits of conflicting claims; liability of United States.

Nothing in this section shall be deemed to be a Congressional determination of the merits of the conflicting claims to the lands that are subject to adjudication pursuant to this section, or to affect the liability of the United States, if any, under litigation now pending before the Indian Claims Commission.

(e) Payment of legal fees, court costs and other expenses.

The Secretary of the Interior is authorized to pay any or all appropriate legal fees, court costs, and other related expenses arising out of, or in connection with, the commencing of, or defending against, any action brought by the Navajo or Hopi Tribe under this section. (Pub. L. 93–531, § 8, Dec. 22, 1974, 88 Stat. 1715.)

REFERENCES IN TEXT

The Act of June 14, 1934, referred to in subsec. (a) is act June 14, 1934, ch. 521, 48 Stat. 960, which is not classified to this Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–9, 640d–11 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24.

§ 640d–8. Allotments in severalty to Paiute Indians now located on lands; issue of patents declaring United States as trustee.

Notwithstanding any other provision of sections 640d to 640d–24 of this title, the Secretary is authorized to allot in severalty to individual Paiute Indians, not now members of the Navajo Tribe, who are located within the area described in the Act of June 14, 1934, and who were located within such area, or are direct descendants of Paiute Indians who were located within such area, on the date of such Act, land in quantities as specified in section 331 of this title, and patents shall be issued to them for such lands having the legal effect and declaring that the United States holds such land in trust for the sole use and benefit of each allottee and, following his death, of his heirs according to the laws of the State of Arizona. (Pub. L. 93–531, § 9, Dec. 22, 1974, 88 Stat. 1716.)

REFERENCES IN TEXT

The Act of June 14, 1934, referred to in text, is act June 14, 1934, ch. 521, 48 Stat. 960, which is not classified to this Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–9, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24.

§ 640d–9. Lands to be held in trust; exceptions.

(a) Subject to the provisions of sections 640d–8 and 640d–16(a) of this title, any lands partitioned to the Navajo Tribe pursuant to sections 640d–2 and 640d–3 of this title and the lands described in the Act of June 14, 1934, except the lands as described in section 640d–7 of this title, shall be held in trust by the United States exclusively for the Navajo Tribe and as a part of the Navajo Reservation.

(b) Subject to the provisions of sections 640d–8 and 640d–16(a) of this title, any lands partitioned to the Hopi Tribe pursuant to sections 640d–2 and 640d–3 of this title and the lands as described in section 640d–7 of this title shall be held in trust by the United States exclusively for the Hopi Tribe and as a part of the Hopi Reservation. (Pub. L. 93–531, § 10, Dec. 22, 1974, 88 Stat. 1716.)

REFERENCES IN TEXT

The Act of June 14, 1934, referred to in subsec. (a) is act June 14, 1934, ch. 521, 48 Stat. 960, which is not classified to this Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24.

§ 640d–10. Transfer to Navajo Tribe of land under jurisdiction of Bureau of Land Management; fair market value; lands to be held in trust; acquired private land to be held in trust; maximum amount to be acquired.

(a) The Secretary is authorized and directed to transfer not to exceed 250,000 acres of lands under the jurisdiction of the Bureau of Land Management within the States of Arizona or New Mexico to the Navajo Tribe: *Provided,* That the Navajo Tribe shall pay to the United States the fair market value for such lands as may be determined by the Secretary. Such lands shall, if possible, be contiguous or adjacent to the existing Navajo Reservation. Title to such lands which are contiguous or adjacent to the Navajo Reservation shall be taken by the United States in trust for the benefit of the Navajo Tribe.

(b) Any private lands the Navajo Tribe acquires which are contiguous or adjacent to the Navajo Reservation may be taken by the United States in trust for the benefit of the Navajo Tribe: *Provided,* That the land acquired pursuant to subsection (a) of this section and this subsection shall not exceed a total of 250,000 acres. (Pub. L. 93–531, § 11, Dec. 22, 1974, 88 Stat. 1716.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24

§ 640d–11. Navajo and Hopi Indian Relocation Commission.

(a) Establishment.

There is hereby established as an independent entity in the executive branch the Navajo and Hopi Indian Relocation Commission (hereinafter referred to as the "Commission").

(b) Membership; appointment.

The Commission shall be composed of three members appointed by the Secretary within sixty days of December 22, 1974.

(c) Chairman and Vice Chairman.

The Commission shall elect a Chairman and Vice Chairman from among its members.

(d) Quorum; vacancies.

Two members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) Compensation; expenses.

Each member of the Commission who is not otherwise employed by the United States Govern-

ment shall receive an amount equal to the daily rate paid a GS–18 under the General Schedule contained in section 5332 of Title 5 for each day (including time in travel) or portion thereof during which such member is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other expenses incurred by them in the performance of their duties.

(f) First meeting.

The first meeting of the Commission shall be called by the Secretary forthwith following the date on which a majority of the members of such Commission are appointed and qualified under sections 640d to 640d–24 of this title, but in no event later than sixty days following such date.

(g) Power of Chairman.

Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of Title 5 governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of Title 5 relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of Title 5; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of Title 5, but at rates not to exceed $150 a day for individuals.

(h) Administrative and housekeeping services by Department of Interior.

The Department of the Interior shall furnish, on a nonreimbursable basis, necessary administrative and housekeeping services for the Commission.

(i) Termination of Commission.

The Commission shall cease to exist when the President determines that its functions have been fully discharged. (Pub. L. 93–531, § 12, Dec. 22, 1974, 88 Stat. 1716.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–12. Report concerning relocation of households and members of each tribe.

(a) Preparation and submission to Congress; time.

Within the twenty-four month period following the date of issuance of an order of the District Court pursuant to section 640d–2 or 640d–3 of this title, the Commission shall prepare and submit to the Congress a report concerning the relocation of households and members thereof of each tribe, and their personal property, including livestock, from lands partitioned to the other tribe pursuant to sections 640d–7 and 640d–2 or 640d–3 of this title.

(b) Contents.

Such report shall contain, among other matters, the following:

(1) the names of all members of the Navajo Tribe who reside within the areas partitioned to the Hopi Tribe and the names of all members of the Hopi Tribe who reside within the areas partitioned to the Navajo Tribe; and

(2) the fair market value of the habitations and improvements owned by the heads of households identified by the Commission as being among the persons named in clause (1) of this subsection.

(c) Detailed plan for relocation.

Such report shall include a detailed plan providing for the relocation of the households and their members identified pursuant to clause (1) of subsection (b) of this section. Such plan (hereinafter referred to as the "relocation plan") shall—

(1) be developed to the maximum extent feasible in consultation with the persons involved in such relocation and appropriate representatives of their tribal councils;

(2) take into account the adverse social, economic, cultural, and other impacts of relocation on persons involved in such relocation and be developed to avoid or minimize, to the extent possible, such impacts;

(3) identify the sites to which such households shall be relocated, including the distance involved;

(4) assure that housing and related community facilities and services, such as water, sewers, roads, schools, and health facilities, for such households shall be available at their relocation sites; and

(5) take effect thirty days after the date of submission to the Congress pursuant to subsection (a) of this section: *Provided, however,* That the Commission is authorized and directed to proceed with voluntary relocations as promptly as practicable following its first meeting.

(Pub. L. 93–531, § 13, Dec. 22, 1974, 88 Stat. 1717.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–13. Relocation of households and members.

(a) Authorization; time of completion; prohibition of further settlement of nonmembers without written approval; limit on grazing of livestock.

Consistent with section 640d–7 of this title and the order of the District Court issued pursuant to section 640d–2 or 640d–3 of this title, the Commission is authorized and directed to relocate pursuant to section 640d–7 of this title and such order all households and members thereof and their personal property, including livestock, from any lands partitioned to the tribe of which they are not members. The relocation shall take place in accordance with the relocation plan and shall be completed by the end of five years from the date on which the relocation plan takes effect. No further settlement of Navajo individuals on the lands partitioned to the Hopi Tribe pursuant to sections 640d to 640d–24 of this title or on the Hopi Reservation shall be permitted unless advance written

approval of the Hopi Tribe is obtained. No further settlement of Hopi individuals on the lands partitioned to the Navajo Tribe pursuant to sections 640d to 640d–24 of this title or on the Navajo Reservation shall be permitted unless advance written approval of the Navajo Tribe is obtained. No individual shall hereafter be allowed to increase the number of livestock he grazes on any area partitioned pursuant to sections 640d to 640d–24 of this title to the tribe of which he is not a member, nor shall he retain any grazing rights in any such area subsequent to his relocation therefrom.

(b) Additional payments to heads of household; time.

In addition to the payments made pursuant to section 640d–14 of this title, the Commission shall make payments to heads of households identified in the report prepared pursuant to section 640d–12 of this title upon the date of relocation of such households, as determined by the Commission, in accordance with the following schedule:

(1) the sum of $5,000 to each head of a household who, prior to the expiration of one year after the effective date of the relocation plan, contracts with the Commission to relocate;

(2) the sum of $4,000 to each head of a household who is not eligible for the payment provided for in clause (1) of this subsection but who, prior to the expiration of two years after the effective date of the relocation plan, contracts with the Commission to relocate;

(3) the sum of $3,000 to each head of a household who is not eligible for the payments provided for in clause (1) or (2) of this subsection but who, prior to the expiration of three years after the effective date of the relocation plan, contracts with the Commission to relocate; and

(4) the sum of $2,000 to each head of a household who is not eligible for the payments provided for in clause (1), (2), or (3) of this subsection but who, prior to the expiration of four years after the effective date of the relocation plan, contracts with the Commission to relocate.

(c) Payments to or for any person moving into partitioned area after May 29, 1974.

No payment shall be made pursuant to this section to or for any person who, after May 29, 1974, moved into an area partitioned pursuant to section 640d–7 of this title or section 640d–2 or 640d–3 of this title to a tribe of which he is not a member. (Pub. L. 93–531, § 14, Dec. 22, 1974, 88 Stat. 1718.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–14. Relocation housing.

(a) Purchase of habitation and improvements from head of household; fair market value.

The Commission shall purchase from the head of each household whose household is required to relocate under the terms of sections 640d to 640d–24 of this title the habitation and other improvements owned by him on the area from which he is required to move. The purchase price shall be the fair market value of such habitation and improvements as determined under section 640d–12(b)(2) of this title.

(b) Reimbursement for moving expenses; payment for replacement dwelling; limitations.

In addition to the payments made pursuant to subsection (a) of this section, the Commission shall:

(1) reimburse each head of a household whose household is required to relocate pursuant to sections 640d to 640d–24 of this title for the actual reasonable moving expenses of the household as if the household members were displaced persons under section 4622 of Title 42;

(2) pay to each head of a household whose household is required to relocate pursuant to sections 640d to 640d–24 of this title an amount which, when added to the fair market value of the habitation and improvements purchased under subsection (a) of this section, equals the reasonable cost of a decent, safe, and sanitary replacement dwelling adequate to accommodate such household: *Provided,* That the additional payment authorized by this paragraph (2) shall not exceed $17,000 for a household of three or less and not more than $25,000 for a household of four or more, except that the Commission may, after consultation with the Secretary of Housing and Urban Development, annually increase or decrease such limitations to reflect changes in housing development and construction costs, other than costs of land, during the preceding year: *Provided further,* That the additional payment authorized by this subsection shall be made only to a head of a household required to relocate pursuant to sections 640d to 640d–24 of this title who purchases and occupies such replacement dwelling not later than the end of the two-year period beginning on the date on which he receives from the Commission final payment for the habitation and improvements purchased under subsection (a) of this section, or on the date on which such household moves from such habitation, whichever is the later date. The payments made pursuant to this paragraph (2) shall be used only for the purpose of obtaining decent, safe, and sanitary replacement dwellings adequate to accommodate the households relocated pursuant to sections 640d to 640d–24 of this title.

(c) Establishment of standards consistent with other laws; payments to or for any person moving into partitioned area after specified time.

In implementing subsection (b) of this section, the Commission shall establish standards consistent with those etablished in the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. No payment shall be made pursuant to this section to or for any person who, later than one year prior to December 22, 1974, moved into an area partitioned pursuant to section 640d–7 of this title or section 640d–2 or 640d–3 of this title to a tribe of which he is not a member.

(d) Methods of payment.

The Commission shall be responsible for the provision of housing for each household eligible for payments under this section in one of the following manners:

(1) Should any head of household apply for and become a participant or homebuyer in a mutual help housing or other homeownership opportunity project undertaken under the United States Housing Act of 1937, as amended, or in any other federally assisted housing program now or hereafter established, the amounts payable with respect to such household under paragraph (2) of subsection (b) of this section and under subsection (a) of this section shall be paid to the local housing agency or sponsor involved as a voluntary equity payment and shall be credited against the outstanding indebtedness or purchase price of the household's home in the project in a manner which will accelerate to the maximum extent possible the achievement by that household of debt free homeownership.

(2) Should any head of household wish to purchase or have constructed a dwelling which the Commission determines is decent, safe, sanitary, and adequate to accommodate the household, the amounts payable with respect to such household under paragraph (2) of subsection (b) of this section and under subsection (a) of this section shall be paid to such head of household in connection with such purchase or construction in a manner which the Commission determines will assure the use of the funds for such purpose.

(3) Should any head of household not make timely arrangements for relocation housing, or should any head of household elect and enter into an agreement to have the Commission construct or acquire a home for the household, the Commission may use the amounts payable with respect to such household under paragraph (2) of subsection (b) of this section and under subsection (a) of this section for the construction or acquisition (including enlargement or rehabilitation if necessary) of a home and related facilities for such household: *Provided*, That, the Commission may combine the funds for any number of such households into one or more accounts from which the costs of such construction or acquisition may be paid on a project basis and the funds in such account or accounts shall remain available until expended: *Provided further*, That the title to each home constructed or acquired by the Commission pursuant to this paragraph shall be vested in the head of the household for which it was constructed or acquired upon occupancy by such household, but this shall not preclude such home being located on land held in trust by the United States.

(e) Disposal of acquired dwellings and improvements.

The Commission is authorized to dispose of dwellings and other improvements acquired or constructed pursuant to sections 640d to 640d–24 of this title in such manner, including resale of such dwellings and improvements to members of the tribe exercising jurisdiction over the area at prices no higher than the acquisition or construction costs, as best effects section 640d–7 of this title and the order of the District Court pursuant to section 640d–2 or 640d–3 of this title. (Pub. L. 93–531, § 15, Dec. 22, 1974, 88 Stat. 1719.)

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (c), is Pub. L. 91–646, Jan. 2, 1971, 84 Stat. 1894, which is classified principally to section 4601 et seq. of Title 42, The Public Health and Welfare. See Short Title note under section 4601 of Title 42.

The United States Housing Act of 1937, referred to in subsec. (d)(1), is act Sept. 1, 1937, ch. 896, 50 Stat. 888, which is classified to section 1401 et seq. of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–15. Payment of fair rental value for use of lands subsequent to date of partition.

(a) The Navajo Tribe shall pay to the Hopi Tribe the fair rental value as determined by the Secretary for all use by Navajo individuals of any lands partitioned to the Hopi Tribe pursuant to sections 640d–7 and 640d–2 or 640d–3 of this title subsequent to the date of the partition thereof.

(b) The Hopi Tribe shall pay to the Navajo Tribe the fair rental value as determined by the Secretary for all use by Hopi individuals of any lands partitioned to the Navajo Tribe pursuant to sections 640d–7 and 640d–2 or 640d–3 of this title subsequent to the date of the partition thereof. (Pub. L. 93–531, § 16, Dec. 22, 1974, 88 Stat. 1720.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–16. Title, possession and enjoyment of lands for which patents have issued not affected; jurisdiction of respective tribes over nonmembers; relocation of Federal employees; election to relocate.

(a) Nothing in sections 640d to 640d–24 of this title shall effect the title, possession, and enjoyment of lands heretofore allotted to Hopi and Navajo individuals for which patents have been issued. Such Hopi individuals living on the Navajo Reservation shall be subject to the jurisdiction of the Navajo Tribe and such Navajo individuals living on the Hopi Reservation shall be subject to the jurisdiction of the Hopi Tribe.

(b) Nothing in sections 640d to 640d–24 of this title shall require the relocation from any area partitioned pursuant to sections 640d to 640d–24 of this title of the household of any Navajo or Hopi individual who is employed by the Federal Government within such area or to prevent such employees or their households from residing in such areas in the future: *Provided*, That any such Federal employee who would, except for the provisions of this subsection, be relocated under the terms of sections 640d to 640d–24 of this title may elect to be so relocated. (Pub. L. 93–531, § 17, Dec. 22, 1974, 88 Stat. 1720.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–9, 640d–11, 640d–13, 640d–14, 640d–17, 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–17. Actions for accounting, fair value of grazing, and claims for damages to land.

(a) Authorization to commence and defend actions in District Court.

Either tribe, acting through the chairman of its tribal council, for and on behalf of the tribe, including all villages, clans, and individual members thereof, is hereby authorized to commence or defend in the District Court an action or actions against the other tribe for the following purposes if such action or actions are not settled pursuant to section 640d–2 or 640d–3 of this title:

(1) for an accounting of all sums collected by either tribe since the 17th day of September 1957 as trader license fees or commissions, lease proceeds, or other similar charges for the doing of business or the use of lands within the joint use area, and judgment for one-half of all sums so collected, and not paid to the other tribe, together with interest at the rate of 6 per centum per annum compounded annually;

(2) for the determination and recovery of the fair value of the grazing and agricultural use by either tribe and its individual members since the 28th day of September 1962 of the undivided one-half interest of the other tribe in the lands within the joint use area, together with interest at the rate of 6 per centum per annum compounded annually, notwithstanding the fact that the tribes are tenants in common of such lands; and

(3) for the adjudication of any claims that either tribe may have against the other for damages to the lands to which title was quieted as aforesaid by the United States District Court for the District of Arizona in such tribes, share and share alike, subject to the trust title of the United States, without interest, notwithstanding the fact that such tribes are tenants in common of such lands: *Provided*, That the United States may be joined as a party to such an action and, in such case, the provisions of sections 1346(a)(2) and 1505 of Title 28 shall not be applicable to such action.

(b) Defenses.

Neither laches nor the statute of limitations shall constitute a defense to any action authorized by sections 640d to 640d–24 of this title for existing claims if commenced within two years from December 22, 1974, or one hundred and eighty days from the date of issuance of an order of the District Court pursuant to section 640d–2 or 640d–3 of this title, whichever is later.

(c) Further original, ancillary or supplementary actions to insure quiet enjoyment.

Either tribe may institute such further original, ancillary, or supplementary actions against the other tribe as may be necessary or desirable to insure the quiet and peaceful enjoyment of the reservation lands of the tribes by the tribes and the members thereof, and to fully accomplish all objects and purposes of sections 640d to 640d–24 of this title. Such actions may be commenced in the District Court by either tribe against the other, acting through the chairman of its tribal council, for and on behalf of the tribe, including all villages, clans, and individual members thereof.

(d) United States as party; judgments as claims against the United States.

Except as provided in clause (3) of subsection (a) of this section, the United States shall not be an indispensable party to any action or actions commenced pursuant to this section. Any judgment or judgments by the District Court in such action or actions shall not be regarded as a claim or claims against the United States.

(e) Remedies.

All applicable provisional and final remedies and special proceedings provided for by the Federal Rules of Civil Procedure and all other remedies and processes available for the enforcement and collection of judgments in the district courts of the United States may be used in the enforcement and collection of judgments obtained pursuant to the provisions of sections 640d to 640d–24 of this title. (Pub. L. 93–531, § 18, Dec. 22, 1974, 88 Stat. 1721.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16, 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–18. Reduction of livestock within joint use area; institution of conservation practices; survey location of monuments and fencing of boundaries.

(a) Notwithstanding any provision of sections 640d to 640d–24 of this title, or any order of the District Court pursuant to section 640d–2 or 640d–3 of this title, the Secretary is authorized and directed to immediately commence reduction of the numbers of all the livestock now being grazed upon the lands within the joint use area and complete such reductions to carrying capacity of such lands, as determined by the usual range capacity standards as established by the Secretary after December 22, 1974. The Secretary is directed to institute such conservation practices and methods within such area as are necessary to restore the grazing potential of such area to the maximum extent feasible.

(b) The Secretary, upon the date of issuance of an order of the District Court pursuant to sections 640d–7 and 640d–2 or 640–3 of this title, shall provide for the survey location of monuments, and fencing of boundaries of any lands partitioned pursuant to sections 640d–7 and 640d–2 or 640–3 of this title. (Pub. L. 93–531, § 19, Dec. 22, 1974, 88 Stat. 1721.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16, 640d–17, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–19. Perpetual use of Cliff Spring as shrine for religious ceremonial purposes; boundary; piping of water for use by residents.

The members of the Hopi Tribe shall have perpetual use of Cliff Spring as shown on USGS 7½ minute Quad named Toh Ne Zhonnie Spring, Arizona, Navajo County, dated 1968; and located 1,250 feet west and 200 feet south of the intersection of 36 degrees, 17 minutes, 30 seconds north latitude and 110 degrees, 9 minutes west longitude, as a shrine for religious ceremonial purposes, to-

gether with the right to gather branches of fir trees growing within a 2-mile radius of said spring for use in such religious ceremonies, and the further right of ingress, egress, and regress between the Hopi Reservation and said spring. The Hopi Tribe is hereby authorized to fence said spring upon the boundary line as follows:

Beginning at a point on the 36 degrees, 17 minutes, 30 seconds north latitude 500 feet west of its intersection with 110 degrees, 9 minutes west longitude, the point of beginning;

thence north 46 degrees west, 500 feet to a point on the rim top at elevation 6,900 feet;

thence southwesterly 1,200 feet (in a straight line) following the 6,900 feet contour;

thence 46 degrees east, 600 feet;

thence north 38 degrees east, 1,300 feet to the point of beginning, 23.8 acres more or less: *Provided*, That, if and when such spring is fenced, the Hopi Tribe shall pipe the water therefrom to the edge of the boundary as hereinabove described for the use of residents of the area. The natural stand of fir trees within such 2-mile radius shall be conserved for such religious purposes.

(Pub. L. 93–531, § 20, Dec. 22, 1974, 88 Stat. 1722.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–20. Use and right of access to religious shrines on reservation of other tribe.

Notwithstanding anything contained in sections 640d to 640d–24 of this title to the contrary, the Secretary shall make reasonable provision for the use of and right of access to identified religious shrines for the members of each tribe on the reservation of the other tribe where such use and access are for religious purposes. (Pub. L. 93–531, § 21, Dec. 22, 1974, 88 Stat. 1722.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–21. Payments not to be considered as income for eligibility under any other Federal or federally assisted program or for assistance under Social Security Act or for revenue purposes.

The availability of financial assistance or funds paid pursuant to sections 640d to 640d–24 of this title may not be considered as income or resources or otherwise utilized as the basis (1) for denying a household or member thereof participation in any federally assisted housing program or (2) for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled to under the Social Security Act or any other Federal or federally assisted program. None of the funds provided under sections 640d to 640d–24 of this title shall be subject to Federal or State income taxes. (Pub. L. 93–531, § 22, Dec. 22, 1974, 88 Stat. 1722.)

REFERENCES IN TEXT

The Social Security Act, referred to in the text, is classified to section 301 et seq. of Title 42, the Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–23, 640d–24 of this title.

§ 640d–22. Authorization for exchange of reservation lands.

The Navajo and Hopi Tribes are hereby authorized to exchange lands which are part of their respective reservations. (Pub. L. 93–531, § 23, Dec. 22, 1974, 88 Stat. 1722.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23, 640d–24 of this title.

§ 640d–23. Separability of provisions.

If any provision of sections 640d to 640d–24 of this title, or the application of any provision to any person, entity or circumstance, is held invalid, the remainder of sections 640d to 640d–24 of this title shall not be affected thereby. (Pub. L. 93–531, § 24, Dec. 22, 1974, 88 Stat. 1722.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–24 of this title.

§ 640d–24. Authorization of appropriations; availability of sums until expended.

(a) (1) For the purpose of carrying out the provisions of section 640d–14 of this title, there is hereby authorized to be appropriated not to exceed $31,500,000.

(2) For the purpose of carrying out the provisions of section 640d–18(a) of this title, there is hereby authorized to be appropriated not to exceed $10,000,000.

(3) For the purpose of carrying out the provisions of section 640d–18(b) of this title, there is hereby authorized to be appropriated not to exceed $500,000.

(4) For the purpose of carrying out the provisions of section 640d–13(b) of this title, there is hereby authorized to be appropriated not to exceed $5,500,000.

(5) There is hereby authorized to be appropriated annually not to exceed $500,000 for the expenses of the Commission.

(6) There is hereby authorized to be appropriated not to exceed $500,000 for the services and expenses of the Mediator and the assistants and consultants retained by him: *Provided*, That, any contrary provision of law notwithstanding, until such time as funds are appropriated and made available pursuant to this authorization, the Director of the Federal Mediation and Conciliation Service is authorized to provide for the services and expenses of the Mediator from any other appropriated funds available to him and to reimburse such appropriations when funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

(b) The funds appropriated pursuant to the authorizations provided in sections 640d to 640d-24 of this title shall remain available until expended. (Pub. L. 93–531, § 25, Dec. 22, 1974, 88 Stat. 1722.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 640d, 640d–1, 640d–3, 640d–4, 640d–8, 640d–11, 640d–13, 640d–14, 640d–16 to 640d–18, 640d–20, 640d–21, 640d–23 of this title.

SOUTHERN UTE INDIAN TRIBE OF COLORADO [NEW]

§ 668. Sale of lands held by the United States.

Subject to the provisions of the Southern Ute Indian tribal constitution and the ordinances and resolutions adopted thereunder, any lands that are held by the United States in trust for the Southern Ute Indian Tribe or that are subject to a restriction against alienation or taxation imposed by the United State, and that are not needed for Indian use, may be sold by the Southern Ute Indian Tribe, with the approval of the Secretary of the Interior, and such sales shall terminate the Federal trust or restrictions against alienation or taxation of the lands, except that the trust or restricted status of said lands may be retained, upon approval of the Secretary of the Interior, in any sale to a member of the tribe. (Pub. L. 92–312, § 1, June 14, 1972, 86 Stat. 216.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 669, 670 of this title.

§ 669. Use of sale proceeds for purchase of real property only.

All funds derived from the sale of lands pursuant to sections 668 to 670 of this title shall be used only for the purchase of real property within the boundaries of the Southern Ute Indian Reservation. Title to any lands purchased with such funds and title to any lands reacquired by the tribe by foreclosure of a mortgage or deed of trust shall be taken in the name of the United States in trust for the Southern Ute Indian Tribe. (Pub. L. 92–312, § 2, June 14, 1972, 86 Stat. 216.)

§ 670. Mortgage or deed of trust of lands sold; United States as party to all proceedings.

Any tribal lands that may be sold pursuant to section 668 of this title may, with the approval of the Secretary of the Interior, be encumbered by a mortgage or deed of trust, and shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State in which the land is located. The United States shall be an indispensable party to any such proceeding with the right of removal of the proceeding to the United States district court for the district in which the land is located, following the procedure in section 1446 of Title 28, and the United States shall have the right to appeal from any order of remand in the proceeding. (Pub. L. 92–312, § 3, June 14, 1972, 86 Stat. 216.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 669 of this title.

UTE INDIANS OF UTAH: DISTRIBUTION OF ASSETS BETWEEN MIXED-BLOOD AND FULL-BLOOD MEMBERS; TERMINATION OF FEDERAL SUPERVISION OVER PROPERTY OF MIXED-BLOOD MEMBERS

§ 677w. Presentation of development program for full-blood group to eventually terminate Federal supervision.

Within three months after August 27, 1954, the business committee of the tribe representing the full-blood group thereof shall present to the Secretary a development program calculated to assist in making the tribe and the members thereof self-supporting, without any special Government assistance, with a view of eventually terminating all Federal supervision of the tribe and its members. (As amended Jan. 2, 1975, Pub. L. 93–608, § 1(15), 88 Stat. 1969.)

AMENDMENTS

1975—Pub. L. 93–608 struck out requirement of an annual progress report, through the Secretary, by the tribal business committee representing the full-blood group.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 676, 677, 677a, 677d to 677l, 677k, 677l, 677o, 677p, 677r, 677s to 677u, 677x, 677y, 677aa of this title.

INDIANS OF OKLAHOMA

§ 883. Osage Tribe; disposition of judgment fund.

(a) Persons eligible for allotments; excepted sums.

The Secretary of the Interior is authorized and directed to distribute per capita to all persons whose names appear on the roll of the Osage Tribe of Indians approved by the Secretary of the Interior April 11, 1908, pursuant to the Act of June 28, 1906 (34 Stat. 539), all funds which were appropriated by the Act of January 8, 1971 (84 Stat. 1981), in satisfaction of a judgment that was obtained by the Osage Nation of Indians in the Indian Claims Commission against the United States in dockets numbered 105, 106, 107, and 108, together with interest thereon, except the sum of $1,000,000 and any funds that revert to the Osage Tribe and except the amount allowed for attorney fees and expenses and the cost of distribution.

(b) Education or other socioeconomic programs; advances, expenditures, investments, or reinvestments of excepted sums for financing such programs.

The sum of $1,000,000 plus any funds that revert to the Osage Tribe may be advanced, expended, invested, or reinvested for the purpose of financing an education program or other socioeconomic programs of benefit to the Osage Tribe of Indians of Oklahoma, such programs to be administered as authorized by the Secretary of the Interior.

(c) Withdrawal of funds for payment of costs of carrying out provisions.

The Secretary of the Interior may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of sections 883 to 883d of this title. (Pub. L. 92–586, § 1, Oct. 27, 1972, 86 Stat. 1295.)

REFERENCES IN TEXT

Act June 28, 1906, (34 Stat. 539), referred to in subsec. (a), provided for division of lands and funds of Osage Indians of Oklahoma Territory and was not classified to the Code.

Act Jan. 8, 1971 (84 Stat. 1981), referred to in subsec. (a), means Pub. L. 91-665, the Supplemental Appropriations Act, 1971, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 883c, 883d of this title.

§ 883a. Same; payment of allotments.

(a) Living original allottees.

Except as provided in subsections (b) and (c) of this section, a share or proportional share payable to a living original Osage allottee shall be paid to such allottee.

(b) Distribution to heirs; heirship determinations; intestate succession; finality of determinations and distributions; reversion of minimal amounts.

A share of a deceased Osage allottee having died prior to or after October 27, 1972, shall be distributed to his heirs of Osage Indian blood pursuant to an order determining heirs by the Secretary of the Interior or a court of competent jurisdiction of the State of Oklahoma, and such distributions by the Secretary of the Interior shall be final and conclusive. In the event the heirs of Osage Indian blood of an Osage Indian having died prior to or after October 27, 1972, have not been determined by the Secretary of the Interior or a court of competent jurisdiction of the State of Oklahoma, such share shall be distributed to the heirs of Osage Indian blood upon the filing of proof of death and inheritance in accordance with the Oklahoma law of intestate succession in a form satisfactory to the Secretary of the Interior whose findings and determinations upon such proof shall be final and conclusive: *Provided,* That when a person of Osage Indian blood receives an amount totaling less than $20 from one or more shares of one or more Osage allottees, that amount shall not be distributed to the individual, but will revert to the Osage Tribe.

(c) Minors and persons under guardianship; rules and regulations.

A share or proportional share payable to a person of Osage Indian blood under eighteen years of age and any person under guardianship pursuant to an order of a court of competent jurisdiction notwithstanding the fact he has received a certificate of competency shall be disbursed under rules and regulations to be prescribed by the Secretary of the Interior. (Pub. L. 92-586, § 2, Oct. 27, 1972, 86 Stat. 1295.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 883, 883c, 883d of this title.

§ 883b. Same; per capita shares; filing claims; reversion of unclaimed shares.

All claims for per capita shares by heirs of Osage Indian blood shall be filed with the Superintendent, Osage Agency, Pawhuska, Oklahoma, not later than eighteen months from October 27, 1972. Thereafter, all claims and the right to file same shall be forever barred and the unclaimed shares shall revert to the Osage Tribe. Unclaimed shares of distributees shall revert to the Osage Tribe six months after determination by the Secretary of the Interior of their right to share. (Pub. L. 92-586, § 3, Oct. 27, 1972, 86 Stat. 1296.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 883, 883c, 883d of this title.

§ 883c. Same; income tax exemption.

None of the funds distributed per capita under the provisions of sections 883 to 883d of this title shall be subject to Federal or State income taxes. (Pub. L. 92-586, § 4, Oct. 27, 1972, 86 Stat. 1296.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 883, 883d of this title.

§ 883d. Same; rules and regulations.

The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of sections 883 to 883d of this title. (Pub. L. 92-586, § 5, Oct. 27, 1972, 86 Stat. 1296.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 883, 883c of this title.

MENOMINEE TRIBE OF WISCONSIN: TERMINATION OF FEDERAL SUPERVISION

§§ 891 to 902. Repealed. Pub. L. 93-197, § 3(b), Dec. 22, 1973, 87 Stat. 770.

Section 891, act June 17, 1954, ch. 303, § 1, 68 Stat. 350, set out purpose of sections 891 to 902 as the orderly termination of Federal supervision over the property of the Menominee Tribe.

Section 892, act June 17, 1954, ch. 303, § 2, 68 Stat. 250, defined the terms "Tribe" and "Secretary".

Section 893, act June 17, 1954, ch. 303, § 3, 68 Stat. 250, set forth the procedure for inclusion on the tribal membership roll prior to its closure.

Section 894, act June 17, 1954, ch. 303, § 5, 68 Stat. 251, authorized the payment of $1,500 to tribal members.

Section 895, acts June 17, 1954, ch. 303, § 6, 68 Stat. 251; July 14, 1956, ch. 601, 70 Stat. 544; Pub. L. 5-488, § 1(a), July 2, 1958, 72 Stat. 290, authorized the hiring of management specialists by the tribe to assist the tribe in studying industrial programs for the reservation.

Section 896, acts June 17, 1954, ch. 303, § 7, 68 Stat. 251; July 14, 1956, ch. 604, § 1, 70 Stat. 549; Pub. L. 85-488, § 1(b), July 2, 1958, 72 Stat. 290; Pub. L. 86-733, § 1, Sept. 8, 1960, 74 Stat. 867, required the tribe to formulate and submit a plan to the Secretary for control of tribal property and service functions conducted by the United States.

Section 897, acts June 17, 1954, ch. 303, § 8, 68 Stat. 252; July 14, 1956, ch. 604, § 2, 70 Stat. 550; Pub. L. 85-488, § 1(c), July 2, 1958, 72 Stat. 291; Pub. L. 86-733, § 2, Sept. 8, 1960, 74 Stat. 867, authorized the transfer of all tribal property by the Secretary on or before April 30, 1961 to the tribal corporation or a trustee selected by the Secretary.

Section 898, acts June 17, 1954, ch. 303, § 9, 68 Stat. 252; Pub. L. 86-733, § 3, Sept. 8, 1960, 74 Stat. 867, set forth conditions for tax exemptions for distributions, conveyances, and the transfer of title to assets.

Section 899, act June 17, 1954, ch. 303, § 10, 68 Stat. 252, provided for the publication in the Federal Register by the Secretary of a proclamation of transferred property.

Section 900, act June 17, 1954, ch. 303, § 11, 68 Stat. 252, related to the protection of minors, etc. by the Secretary prior to the transfer of tribal property.

Section 901, act June 17, 1954, ch. 303, § 12, 68 Stat. 252, authorized the Secretary to promulgate rules and regulations.

Section 902, acts June 17, 1954, ch. 303, § 14, as added Pub. L. 86–733, § 4, Sept. 8, 1960, 74 Stat. 867, authorized contracts with the Wisconsin Department of Public Instruction for the completion of any vocational or undergraduate college program prior to the termination of Federal responsibilities.

MENOMINEE TRIBE OF WISCONSIN: RESTORATION OF FEDERAL SUPERVISION [NEW]

§ 903. Definitions.

For the purposes of sections 903 to 903f of this title—

(1) The term "tribe" means the Menominee Indian Tribe of Wisconsin.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Menominee Restoration Committee" means that committee of nine Menominee Indians who shall be elected pursuant to subsections (a) and (b) of section 903b of this title. (Pub. L. 93–197, § 2, Dec. 22, 1973, 87 Stat. 770.)

SHORT TITLE

Section 1 of Pub. L. 93–197 provided: "That this Act [which enacted sections 903 to 903f of this title and repealed sections 891 to 902 of this title] may be cited as the 'Menominee Restoration Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 903a, 903b, 903d to 903f of this title.

§ 903a. Federal recognition.

(a) Extension; laws applicable.

Notwithstanding the provisions of the Act of June 17, 1954, as amended, or any other law, Federal recognition is hereby extended to the Menominee Indian Tribe of Wisconsin and the provisions of the Act of June 18, 1934, as amended, are made applicable to it.

(b) Repeal of provisions terminating Federal supervision; reinstatement of tribal rights and privileges.

The Act of June 17, 1954, as amended, is hereby repealed and there are hereby reinstated all rights and privileges of the tribe or its members under Federal treaty, statute, or otherwise which may have been diminished or lost pursuant to such Act.

(c) Continuation of tribal rights and privileges.

Nothing contained in sections 903 to 903f of this title shall diminish any rights or privileges enjoyed by the tribe or its members now or prior to June 17, 1954, under Federal treaty, statute, or otherwise, which are now inconsistent with the provisions of sections 903 to 903f of this title.

(d) Continuation of property or contractual rights or obligations and tax obligations.

Except as specifically provided in sections 903 to 903f of this title, nothing contained in sections 903 to 903f of this title shall alter any property rights or obligations, any contractual rights or obligations, including existing fishing rights, or any obligations for taxes already levied.

(e) Grants for services entitled to upon Federal recognition; terms and conditions; power of Menominee Restoration Committee.

In providing to the tribe such services to which it may be entitled upon its recognition pursuant to subsection (a) of this section, the Secretary of the Interior and the Secretary of Health, Education, and Welfare, as appropriate, are authorized from funds appropriated pursuant to section 13 of this title, sections 2001 to 2004a of Title 42, or any other Act authorizing appropriations for the administration of Indian affairs, upon the request of the tribe and subject to such terms and conditions as may be mutually agreed to, to make grants and contract to make grants which will accomplish the general purposes for which the funds were appropriated. The Menominee Restoration Committee shall have full authority and capacity to be a party to receive such grants, to make such contracts, and to bind the tribal governing body as the successor in interest to the Menominee Restoration Committee: *Provided, however,* That the Menominee Restoration Committee shall have no authority to bind the tribe for a period of more than six months after the date on which the tribal governing body takes office. (Pub. L. 93–197, § 3, Dec. 22, 1973, 87 Stat. 770.)

REFERENCES IN TEXT

The Act of June 17, 1954, referred to in subsecs. (a) and (b), is act June 17, 1954, ch. 303, 68 Stat. 250, which was formerly classified to sections 891 to 902 of this title prior to its repeal by subsec. (b) of this section.

The act of June 18, 1934, referred to in subsec. (a), is act June 18, 1934, ch. 576, 48 Stat. 984, and is classified to section 461 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 903, 903b, 903d to 903f of this title.

§ 903b. Menominee Restoration Committee.

(a) Nomination and election of members; time and procedure; ballot requirements; approval by Secretary; powers of Committee.

Within fifteen days after December 22, 1973, the Secretary shall announce the date of a general council meeting of the tribe to nominate candidates for election to the Menominee Restoration Committee. Such general council meeting shall be held within thirty days of December 22, 1973. Within forty-five days of the general council meeting provided for herein, the Secretary shall hold an election by secret ballot, absentee balloting to be permitted, to elect the membership of the Menominee Restoration Committee from among the nominees submitted to him from the general council meeting provided for herein. The ballots shall provide for write-in votes. The Secretary shall approve the Menominee Restoration Committee elected pursuant to this section if he is satisfied that the requirements of this section relating to the nominating and election process have been met. The Menominee Restoration Committee shall represent the Menominee people in the implementation of sections 903 to 903f of this title and shall have no powers other than those given to it in accordance with sections 903 to 903f of this title. The Menominee Restoration Committee shall have no power or authority under sections 903 to 903f of this title after the time which the duly-elected tribal governing body takes office: *Provided, however,* That this provision shall in no way invalidate or affect grants or contracts made pursuant to the provisions of section 903a(e) of this title.

(b) Eligible voters; notice by Secretary of nominating meeting and election.

In the absence of a completed tribal roll prepared pursuant to subsection (c) of this section and solely for the purposes of the general council meeting and the election provided for in subsection (a) of this section, all living persons on the final roll of the tribe published under section 893 of this title, and all descendants, who are at least eighteen years of age and who possess at least one-quarter degree of Menominee Indian blood, of persons on such roll shall be entitled to attend, participate, and vote at such general council meeting and such election. Verification of descendancy, age, and blood quantum shall be made upon oath before the Secretary or his authorized representative and his determination thereon shall be conclusive and final. The Secretary shall assure that adequate notice of such meeting and election shall be provided eligible voters.

(c) Membership roll; opening; revision procedure; prerequisites for inclusion; possession and maintenance of enrollment records and materials; appeal; finality of determination.

The membership roll of the tribe which was closed as of June 17, 1954, is hereby declared open. The Secretary, under contract with the Menominee Restoration Committee, shall proceed to make current the roll in accordance with the terms of sections 903 to 903f of this title. The names of all enrollees who are deceased as of December 22, 1973, shall be stricken. The names of any descendants of an enrollee shall be added to the roll provided such descendant possesses at least one-quarter degree Menominee Indian blood. Upon installation of elected constitutional officers of the tribe, the Secretary and the Menominee Restoration Committee shall deliver their records, files and any other material relating to enrollment matters to the tribal governing body. All further work in bringing and maintaining current the tribal roll shall be performed in such manner as may be prescribed in accordance with the tribal government documents. Until responsibility for the tribal roll is assumed by the tribal governing body, appeals from the omission or inclusion of any name upon the tribal roll shall lie with the Secretary and his determination thereon shall be final. The Secretary shall make the final determination of each such appeal within ninety days after an appeal is initiated. (Pub. L. 93–197, § 4, Dec. 22, 1973, 87 Stat. 771.)

REFERENCES IN TEXT

Section 893 of this title, referred to in subsec. (b), was repealed by section 3(b) of Pub. L. 93–197, which is classified to section 903a(b) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 903 to 903b, 903d to 903f of this title.

§ 903c. Tribal constitution and bylaws.

(a) Election; time and procedure.

Upon request from the Menominee Restoration Committee, the Secretary shall conduct an election by secret ballot, pursuant to the provisions of the Act of June 18, 1934, as amended, for the purpose of determining the tribe's constitution and bylaws. The election shall be held within sixty days after final certification of the tribal roll.

(b) Distribution by Menominee Restoration Committee prior to election of proposed constitution and bylaws and brief impartial description; consultations by Committee with persons entitled to vote.

The Menominee Restoration Committee shall distribute to all enrolled persons who are entitled to vote in the election, at least thirty days before the election, a copy of the constitution and bylaws as drafted by the Menominee Restoration Committee which will be presented at the election, along with a brief impartial description of the constitution and bylaws. The Menominee Restoration Committee shall freely consult with persons entitled to vote in the election concerning the text and description of the constitution and bylaws. Such consultation shall not be carried on within fifty feet of the polling places on the date of the election.

(c) Election of tribal officers provided for in constitution and bylaws; time and procedure for initial election; subsequent elections governed by constitution, bylaws and ordinances.

Within one hundred and twenty days after the tribe adopts a constitution and bylaws, the Menominee Restoration Committee shall conduct an election by secret ballot for the purpose of determining the individuals who will serve as tribal officials as provided in the tribal constitution and bylaws. For the purpose of this initial election and notwithstanding any provision in the tribal constitution and bylaws to the contrary, absentee balloting shall be permitted and all tribal members who are eighteen years of age or over shall be entitled to vote in the election. All further elections of tribal officers shall be as provided in the tribal constitution and bylaws and ordinances adopted thereunder.

(d) Majority vote necessary for passage and initial election of tribal governing body; minimum number of voters required to vote.

In any election held pursuant to this section, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate the adoption of a tribal constitution and bylaws and the initial election of the tribe's governing body, so long as, in each such election, the total vote cast is at least 30 per centum of those entitled to vote.

(e) Revision of time periods pursuant to agreement of Secretary and Menominee Restoration Committee.

The time periods set forth in section 903b(c) of this title and subsections (a) and (c) of this section may be changed by the written agreement of the Secretary and the Menominee Restoration Committee. (Pub. L. 93–197, § 5, Dec. 22, 1973, 87 Stat. 772.)

REFERENCES IN TEXT

The Act of June 18, 1934, referred to in subsec. (a), is act June 18, 1934, ch. 576, 48 Stat. 984, and is classified to section 461 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 903 to 903b, 903d to 903f of this title.

§ 903d. Transfer of assets of Menominee Enterprises, Inc.

(a) Negotiation and development of plan for assumption of assets; submittal of plan to Congress.

The Secretary shall negotiate with the elected members of the Menominee Common Stock and

Voting Trust and the Board of Directors of Menominee Enterprises, Incorporated, or their authorized representatives, to develop a plan for the assumption of the assets of the corporation. The Secretary shall submit such plan to the Congress within one year from December 22, 1973.

(b) Acceptance of assets by Secretary; prerequisites; preexisting rights and obligations in assets; United States as trustee for land transferred; exemption from taxation for transfer of assets and assets transferred.

If neither House of Congress shall have passed a resolution of disapproval of the plan within sixty days of the date the plan is submitted to Congress, the Secretary shall, subject to the terms and conditions of the plan negotiated pursuant to subsection (a) of this section, accept the assets (excluding any real property not located in or adjacent to the territory, constituting, on the effective date of sections 903 to 903f of this title, the county of Menominee, Wisconsin) of Menominee Enterprises, Incorporated, but only if transferred to him by the Board of Directors of Menominee Enterprises, Incorporated, subject to the approval of the shareholders as required by the laws of Wisconsin. Such assets shall be subject to all valid existing rights, including, but not limited to, liens, outstanding taxes (local, State, and Federal), mortgages, outstanding corporate indebtedness of all types, and any other obligation. The land and other assets transferred to the Secretary pursuant to this subsection shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the tribe and shall be their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(c) Transfer to Secretary of real property of Menominee Tribe members; necessity for transfer by Menominee owner or owners; preexisting rights and obligations in land; United States as trustee for land transferred; exemption from taxation for transfer of assets and assets transferred.

The Secretary shall accept the real property (excluding any real property not located in or adjacent to the territory constituting, on December 22, 1973, the county of Menominee, Wisconsin) of members of the Menominee Tribe, but only if transferred to him by the Menominee owner or owners. Such property shall be subject to all valid existing rights including, but not limited to, liens, outstanding taxes (local, State, and Federal), mortgages, and any other obligations. The land transferred to the Secretary pursuant to this subsection shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this subsection, the land transferred shall be taken in the name of the United States in trust for the Menominee Tribe of Wisconsin and shall be part of their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(d) Consultation by Secretary and Menominee Restoration Committee with appropriate State and local government officials for non-impairment of necessary governmental services upon transfer of assets.

The Secretary and the Menominee Restoration Committee shall consult with appropriate State and local government officials to assure that the provision of necessary governmental services is not impaired as a result of the transfer of assets provided for in this section.

(e) Establishment of local government bodies, etc., by Wisconsin to provide necessary governmental services in Menominee County.

For the purpose of implementing subsection (d) of this section, the State of Wisconsin may establish such local government bodies, political subdivisions, and service arrangements as will best provide the State or local government services required by the people in the territory constituting, on December 22, 1973, the county of Menominee. (Pub. L. 93–197, § 6, Dec. 22, 1973, 87 Stat. 772.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 903 to 903b 903e, 903f of this title.

§ 903e. Rules and regulations.

The Secretary is hereby authorized to make such rules and regulations as are necessary to carry out the provisions of sections 903 to 903f of this title. (Pub. L. 93–197, § 7, Dec. 22, 1973, 87 Stat. 773.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 903 to 903b, 903d, 903f of this title.

§ 903f. Authorization of appropriations.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 903 to 903f of this title. (Pub. L. 93–197, § 8, Dec. 22, 1973, 87 Stat. 773.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 903 to 903b 903d, 903e of this title.

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION: DISTRIBUTION OF JUDGMENT FUND

§ 1072. Per capita distribution; limitation of $950 per share.

The funds deposited to the credit of the Confederated Tribes of the Colville Reservation to pay a judgment arising out of proceedings before the Indian Claims Commission in docket numbered 178 and the funds appropriated by the Act of July 6, 1970 (84 Stat. 376), to pay a judgment in favor of the Confederated Tribes of the Colville Reservation, and others, in Indian Claims Commission docket num-

bered 179, and apportioned to the Confederated Tribes under the Act of April 24, 1961 (75 Stat. 45), and interest thereon, after payment of attorney fees and other litigation expenses, shall be distributed on a per capita basis, each share amounting to not more than $950, to the extent such funds are available, to each person born on or prior to and living on March 9, 1972, who meets the requirements for membership in the Confederated Tribes of the Colville Reservation. The remaining balance of such funds, and the interest thereon, shall be combined and distributed with any other tribal funds that may hereafter become available for per capita distribution. (Pub. L. 92–244, § 1, Mar. 9, 1972, 86 Stat. 56.)

REFERENCES IN TEXT

The Act of July 6, 1970 (84 Stat. 376) and the Act of April 24, 1961 (75 Stat. 45), referred to in text, were not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1073 of this title.

§ 1073. Tax exemption; payments to minors and persons under legal disabilities.

None of the funds distributed per capita under the provisions of this section and section 1072 of this title shall be subject to Federal or State income tax. Any per capita share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such persons. (Pub. L. 92–244, § 2, Mar. 9, 1972, 86 Stat. 57.)

MIAMI INDIANS OF INDIANA AND OKLAHOMA: DISTRIBUTION OF JUDGMENT FUNDS

§ 1114. Miami Indians of Oklahoma; membership roll; preparation; eligibility for enrollment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1124 of this title.

§ 1122. Payment and distribution of judgment funds.

The funds appropriated by the Acts of July 22, 1969 (83 Stat. 49), and January 8, 1971 (84 Stat. 1981), to pay judgements awarded to the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and to pay a judgment awarded to the Miami Tribe of Oklahoma in docket numbered 251–A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be distributed as provided in sections 1122 to 1130 of this title. (Pub. L. 92–309, § 1, June 2, 1972, 86 Stat. 199.)

REFERENCES IN TEXT

The Acts of July 22, 1969 (83 Stat. 49), and January 8, 1971 (84 Stat. 1981), referred to in text, are the Second Supplemental Appropriations Act, 1969, Pub. L. 91–47, and the Supplemental Appropriations Act, 1971, Pub. L. 91–665, respectively, which were not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1123, 1129, 1130 of this title.

§ 1123. Costs.

The Secretary may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of section 1122 to 1130 of this title. (Pub. L. 92–309, § 2, June 2, 1972, 86 Stat. 199.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1122, 1129, 1130 of this title.

§ 1124. Revision of enrollment list.

The Secretary of the Interior shall bring current to June 2, 1972, the roll prepared pursuant to section 1114 of this title, by (a) adding the names of persons living on June 2, 1972, who were eligible for enrollment under section 1114 of this title but were not enrolled, (b) by adding the names of children born to enrollees on or prior to June 2, 1972, and who are living on said date, (c) by adding the names of children born to persons who were eligible for enrollment under section 1114 of this title but who were not enrolled, regardless of whether such persons are living or deceased on June 2, 1972, provided said children of such persons are living on June 2, 1972, and (d) by deleting the names of persons who are deceased as of June 2, 1972. (Pub. L. 92–309, § 3, June 2, 1972, 86 Stat. 200.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1122, 1123, 1125, 1129, 1130 of this title.

§ 1125. Applications for enrollment.

An application for addition of a name to the roll pursuant to section 1124 of this title must be filed with the area director of the Bureau of Indian Affairs, Muskogee, Oklahoma, on forms prescribed for that purpose. The determination of the Secretary regarding the eligibility of an applicant shall be final. (Pub. L. 92–309, § 4, June 2, 1972, 86 Stat. 200.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1122, 1123, 1129, 1130 of this title.

§ 1126. Equal distribution to individuals enrolled.

On completion of the roll by the Secretary of the Interior, the balance of the funds appropriated to satisfy the judgments in dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and interest accumulated thereon, shall be distributed equally to the individuals enrolled. (Pub. L. 92–309, § 5, June 2, 1972, 86 Stat. 200.)

SECTIONS REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1122, 1123, 1129, 1130 of this title.

§ 1127. Use of appropriated funds; approval by Secretary on receipt of recommendations from tribal governing body.

The funds on deposit in the Treasury of the United States to the credit of the Miami Tribe of Oklahoma that were appropriated by the Act of July 22, 1969 (83 Stat. 49), to pay a judgment by the Indian Claims Commission in docket numbered 251–A, together with the interest thereon, after payment of

attorney fees and expenses, may be advanced or expended for any purpose that is authorized by the tribal governing body of the Miami Tribe of Oklahoma, and approved by the Secretary of the Interior. (Pub. L. 92–309, § 6, June 2, 1972, 86 Stat. 200.)

REFERENCES IN TEXT

The Act of July 22, 1969 (83 Stat. 49), referred to in text, is the Supplemental Appropriations Act, 1971, Pub. L. 91–665, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1122, 1123, 1129, 1130 of this title.

§ 1128. Payments to enrollees, heirs, or legatees; protection of the interests of minors and persons under legal disability.

(a) Except as provided in subsection (b) of this section, the Secretary of the Interior shall distribute a per capita share payable to a living enrollee directly to such enrollee, and shall distribute a per capita share payable to a deceased enrollee directly to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons. (Pub. L. 92–309, § 7, June 2, 1972, 86 Stat. 200.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1122, 1123, 1129, 1130.

§ 1129. Tax exemption.

None of the funds distributed under the provisions of sections 1122 to 1130 of this title shall be subject to Federal or State income taxes. (Pub. L. 92–309, § 8, June 2, 1972, 86 Stat. 200.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1122, 1123, 1130 of this title.

§ 1130. Rules and regulations.

The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of sections 1122 to 1130 of this title, including the establishment of deadlines. (Pub. L. 92–309, § 9, June 2, 1972, 86 Stat. 200.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1122, 1123, 1129 of this title.

CHEYENNE-ARAPAHO INDIANS OF OKLAHOMA: DISTRIBUTION OF JUDGMENT FUND

§§ 1161, 1162.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 1163 of this title.

§ 1163. Payments to enrollees, heirs or legatees; trust for minors and persons under legal disability; approval of agreement.

The Secretary of the Interior shall distribute remaining funds per capita to all persons alive on October 31, 1967, whose names appear on the membership roll of the Cheyenne-Arapaho Tribes of Oklahoma or who, on October 31, 1967, were eligible for membership, hereinafter referred to as "enrollees", as follows:

(a) A share payable to an enrollee not less than eighteen years of age shall be paid directly in one payment to such enrollee, except as provided in subsections (b) and (c) of this section;

(b) A share payable to an enrollee dying after October 31, 1967, shall be distributed to his heirs or legatees upon the filing of proof of death and inheritance satisfactory to the Secretary of the Interior, or his authorized representative, whose findings and determinations upon such proof shall be final and conclusive: *Provided,* That if a share of such deceased enrollee, or a portion thereof, is payable to an heir or legatee under eighteen years of age or to an heir or legatee under legal disability other than because of age, the same shall be paid and held in trust pursuant to subsection (c) of this section;

(c) A share or proportional share payable to an enrollee or person under eighteen years of age or to an enrollee or person under legal disability other than because of age shall be paid and held in trust for such enrollee or person pursuant to a trust agreement to be made and entered into by and between the Cheyenne-Arapaho Tribes of Oklahoma, as grantor, and a national banking association located in the State of Oklahoma, as Trustee, which trust agreement shall be authorized and approved by the tribal governing body and approved by the Secretary of the Interior. The Secretary of the Interior is authorized to approve amendments to trust agreements entered into pursuant to sections 1161 to 1167 of this title, to permit the distribution of assets to, and the termination of trusts for, minor beneficiaries, not under other legal disability, who have attained or who shall hereafter attain the age of eighteen years.

(As amended Pub. L. 92–439, Sept. 29, 1972, 86 Stat. 742.)

AMENDMENTS

1972—Pub. L. 92–439 lowered the period of minority from twenty-one to eighteen years of age in subsecs. (a)–(c), qualified the legal disability in subsecs. (b) and (c) to a disability other than one of age, and provided for subsec. (c) authorization of amendments to trust agreements, distribution of assets, and termination of trusts for beneficiaries eighteen years of age without any other legal disability.

§§ 1164 to 1167.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 1163 of this title.

SIOUX TRIBE OF MONTANA: DISTRIBUTION OF JUDGMENT FUND

§§ 1201 to 1205.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 1300e–1 of this title.

TLINGIT AND HAIDA INDIANS OF ALASKA: DISTRIBUTION OF JUDGMENT FUND

§ 1211. Distribution of fund; authorized spending; tax exemption.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 43 section 1615.

PEMBINA BAND OF CHIPPEWA INDIANS: DISTRIBUTION OF JUDGMENT FUND [NEW]

§ 1241. Distribution of funds; attorney fees and expenses.

The funds appropriated by the Act of June 9, 1964 (78 Stat. 204, 213), to pay a judgment to the Pembina Band of Chippewa Indians in Indian Claims Commission dockets numbered 18–A, 113, and 191, together with the interest thereon, after payment of attorney fees and litigation expenses, and such expenses as may be necessary in carrying out the provisions of sections 1241 to 1248 of this title, shall be distributed as provided herein. (Pub. L. 92–59, § 1, July 29, 1971, 85 Stat. 158.)

REFERENCES IN TEXT

Act of June 9, 1964 (78 Stat. 204, 213), referred to in text, is Pub. L. 88–317, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1245, 1246, 1248 of this title.

§ 1242. Membership rolls; preparation; eligibility; excluded persons.

The Secretary of the Interior shall prepare a roll of all persons born on or prior to and living on July 29, 1971, who are lineal descendants of members of the Pembina Band as it was constituted in 1863, except that persons in the following categories shall not be so enrolled:

(a) those who are not citizens of the United States;

(b) those who are members of the Red Lake Band of Chippewa Indians; and

(c) those who participated in the Mississippi, Pillager, and Lake Winnibigoshish Chippewa Band awards under the provisions of sections 594 and 594a of this title.

(Pub. L. 92–59, § 2, July 29, 1971, 85 Stat. 158.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241, 1245, 1246, 1248 of this title.

§ 1243. Enrollment applications; filing; finality of determination.

Applications for enrollment shall be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota, in the manner and within the time limits prescribed for that purpose. The determination of the Secretary of the Interior regarding the utilization of available rolls and records and the eligibility for enrollment of an applicant shall be final. (Pub. L. 92–59, § 3, July 29, 1971, 85 Stat. 158.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241, 1245, 1246, 1248 of this title.

§ 1244. Apportionment of funds; members and descendants of Minnesota Chippewa Tribe, the Turtle Mountain Band of Chippewas of North Dakota, the Chippewa-Cree Tribe of Montana.

In developing the roll of Pembina descendants, the Secretary of the Interior shall determine which enrollees are members of the Minnesota Chippewa Tribe, the Turtle Mountain Band of Chippewas of North Dakota, or the Chippewa-Cree Tribe of Montana, and subsequent to the establishment of the descendancy roll shall apportion funds to the three cited tribes on the basis of the numbers of descendants having membership with these tribes. Fund not apportioned in this manner shall be distributed in equal shares to those enrolled descendants who are not members of the three cited tribes. (Pub. L. 92–59, § 4, July 29, 1971, 85 Stat. 158.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241, 1245, 1246, 1248 of this title.

§ 1245. Use of funds apportioned; approval by Secretary on receipt of recommendations from certain tribal organizations.

The funds apportioned to the Minnesota Chippewa Tribe, the Turtle Mountain Band, and the Chippewa-Cree Tribe may be advanced, expended, invested, or reinvested for any purpose authorized by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided*, That the governing body of the Minnesota Chippewa Tribe shall act in concert with the General Council of the Pembina Band of Chippewa Indians of the White Earth Reservation for the purpose of making recommendations to the Secretary; *And provided further*, That the Pembina descendants within the Turtle Mountain Band shall be authorized to establish pursuant to regulations set by the Secretary the Pembina Descendants Committee and that the tribal governing body shall be required to work in concert with such committee for the purpose of making recommendations to the Secretary and only those members of the three cited tribes who are enrolled as Pembina descendants under the provisions of sections 1241 to 1248 of this title shall be permitted to share in any per capita distribution of the funds accruing to the tribes. (Pub. L. 92–59, § 5, July 29, 1971, 85 Stat. 158.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241, 1246, 1248 of this title.

§ 1246. Tax exemption.

None of the funds distributed per capita under the provisions of sections 1241 to 1248 of this title shall be subject to Federal or State income taxes. (Pub. L. 92–59, § 6, July 29, 1971, 85 Stat. 159.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241, 1245, 1248 of this title.

§ 1247. Payments to enrollees, heirs, or legatees; protection of the interests of minors and persons under legal disability.

Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons. Sums payable to enrollees or

their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons. (Pub. L. 92–59, § 7, July 29, 1971, 85 Stat. 159.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241, 1245, 1246, 1248 of this title.

§ 1248. Rules and regulations.

The Secretary of the Interior is authorized to prescribe rules and regulations to effect the provisions of sections 1241 to 1248 of this title, including the establishment of deadlines. (Pub. L. 92–59, § 8, July 29, 1971, 85 Stat. 159.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1241, 1245, 1246 of this title.

CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, MONTANA: DISTRIBUTION OF JUDGMENT FUND [NEW]

§ 1251. Distribution of funds; attorney fees and expenses.

The funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgment awarded in paragraphs 7 and 10 in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, shall be used as follows: 85 per centum thereof shall be distributed in equal per capital shares to each person who is enrolled or entitled to be enrolled on March 17, 1972; the remainder may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior. (Pub. L. 92–253, § 1, Mar. 17, 1972, 86 Stat. 64.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1253 of this title.

§ 1252. Tax exemption.

Any part of such funds that may be distributed to members of the Tribes shall not be subject to Federal or State income tax. (Pub. L. 92–253, § 2, Mar. 17, 1972, 86 Stat. 64.)

REFERENCES IN TEXT

"Such funds", referred to in text, are the funds provided for in sections 1251 to 1253 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1253 of this title.

§ 1253. Payments to minors.

Sums payable under sections 1251 to 1253 of this title to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons. (Pub. L. 92–253, § 3, Mar. 17, 1972, 86 Stat. 64.)

BLACKFEET AND GROS VENTRE TRIBES: DISTRIBUTION OF JUDGMENT FUND [NEW]

§ 1261. Distribution of funds; attorney fees and expenses.

The funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees, litigation expenses, and the cost of carrying out the provisions of sections 1261 to 1265 of this title, shall be divided by the Secretary of the Interior on the basis of 73.2 per centum to the Blackfeet Tribe and 26.8 per centum to the Gros Ventre Tribe. (Pub. L. 92–254, § 1, Mar. 18, 1972, 86 Stat. 64.)

REFERENCES IN TEXT

The Act of October 21, 1968 (82 Stat. 1190, 1198), referred to in text, is Pub. L. 90–608. Chapter XII of such Pub. L. 90–608, which appropriated the funds referred to in text, was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1262, 1264, 1265, 1300e–3 of this title.

§ 1262. Membership roll; per capita distribution; minors.

The sum of $5,671,156 from the funds credited to the Blackfeet Tribe under section 1261 of this title shall be distributed per capita to each person whose name appears on or is entitled to appear on the membership roll of the Blackfeet Tribe, and who was born on or prior to and is living on March 18, 1972. The sum of $2,100,000 from the funds credited to the Gros Ventre Tribe under section 1261 of this title shall be distributed per capita to all members of the Fort Belknap Community who were born on or prior to and are living on March 18, 1972, and (a) whose names appear on the February 5, 1937, payment roll of the Gros Ventre Tribe of the Fort Belknap Reservation, or (b) who are described from a person whose name appears on said roll, if such member possesses a greater degree of Gros Ventre blood than Assiniboine blood. If such member possesses equal quantums of Gros Ventre and Assiniboine blood he may elect to participate in the per capita distribution authorized by this section, in which event he shall not be eligible to participate in any per capta distribution of an Assiniboine judgment. A share or interest payable to enrollees or their heirs or legatees who are less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons. (Pub. L. 92–254, § 2, Mar. 18, 1972, 86 Stat. 64.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1261, 1264, 1265, 1300e–3 of this title.

§ 1263. Use of funds; authorization and approval.

The balance of each tribe's share of the funds may be advanced, expended, invested, or reinvested for any purposes that are authorized by the respective tribal governing bodies and approved by the Secretary of the Interior. (Pub. L. 92–254, § 3, Mar. 18, 1972, 86 Stat. 65.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1262, 1264, 1265, 1300e–3 of this title.

§ 1264. Tax exemption; Social Security eligibility.

None of the funds distributed per capita under the provisions of sections 1261 to 1265 of this title shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act. The provision of this section regarding eligibility for assistance under the Social Security Act is enacted in recognition of unique circumstances applicable to the tribes involved, and shall not be regarded as a precedent or as a general policy for application to other tribes. (Pub. L. 92–254, § 4, Mar. 18, 1972, 86 Stat. 65.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is classified to section 301 et seq. of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1261, 1265, 1300e–3 of this title.

§ 1265. Rules and regulations.

The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of sections 1261 to 1265 of this title. (Pub. L. 92–254, § 5, Mar. 18, 1972, 86 Stat. 65.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1261, 1264, 1300e–3 of this title.

JICARILLA APACHE TRIBE: DISTRIBUTION OF JUDGMENT FUND [NEW]

§ 1271. Disposition of judgment funds.

The funds appropriated to pay a judgment to the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22–A, together with the interest thereon, after payment of attorneys fees and other litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. (Pub. L. 92–295, § 1, May 16, 1972, 86 Stat. 139.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1273, 1274 of this title.

§ 1272. Protection of minors and persons under legal disability.

Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons. (Pub. L. 92–295, § 2, May 16, 1972, 86 Stat. 139.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1273, 1274 of this title.

§ 1273. Tax exemption.

None of the funds distributed per capita under the provisions of sections 1271 to 1274 of this title shall be subject to Federal or State income taxes. (Pub. L. 92–295, § 3, May 16, 1972, 86 Stat. 139.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1274 of this title.

§ 1274. Rules and regulations.

The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of sections 1271 to 1274 of this title. (Pub. L. 92–295, § 4, May 16, 1972, 86 Stat. 139.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1273 of this title.

HAVASUPAI TRIBE OF ARIZONA: DISTRIBUTION OF JUDGMENT FUND [NEW]

§ 1281. Disposition of funds.

The funds appropriated by the Act of December 26, 1969 (83 Stat. 447), to pay a judgment to the Havasupai Tribe in Indian Claims Commission docket numbered 91, together with interest thereon, after payment of attorney fees and litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. (Pub. L. 92–438, § 1, Sept. 29, 1972, 86 Stat. 741.)

REFERENCES IN TEXT

Act of Dec. 26, 1969 (83 Stat. 447), referred to in the text, is Pub. L. 91–166, the Supplemental Appropriation Act, 1970, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1282, 1284 of this title.

§ 1282. Tax exemption.

None of the funds distributed per capita under the provisions of sections 1281 to 1284 of this title shall be subject to Federal or State income taxes. (Pub. L. 92–438, § 2, Sept. 29, 1972, 86 Stat. 741.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1284 of this title.

§ 1283. Payments to adults; trusts for minors and persons under legal disability.

Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interests of

such persons. (Pub. L. 92–438, § 3, Sept. 29, 1972, 86 Stat. 741.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1282, 1284 of this title.

§ 1284. Rules and regulations.

The Secretary of the Interior is authorized to prescribe rules and regulations to effect the provisions of sections 1281 to 1284 of this title. (Pub. L. 92–438, § 4, Sept. 29, 1972, 86 Stat. 741.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1282 of this title.

DELAWARE TRIBE AND ABSENTEE DELAWARE TRIBE OF WESTERN OKLAHOMA; DISTRIBUTION OF JUDGMENT FUND [NEW]

§ 1291. Disposition of funds.

The funds appropriated by the Act of December 26, 1969 (83 Stat. 447, 453), to pay a judgment in favor of the petitioners, the Delaware Tribe of Indians in docket 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in docket 72, together with any interest thereon, after payment of attorney fees, litigation expenses, and such expenses as may be necessary in effecting the provisions of sections 1291 to 1297 of this title, shall be distributed as provided in such sections. (Pub. L. 92–456, § 1, Oct. 3, 1972, 86 Stat. 762.)

REFERENCES IN TEXT

Act of Dec. 26, 1969 (83 Stat. 447, 453), referred to in the text, is Pub. L. 91–166, the Supplemental Appropriation Act, 1970, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1296, 1297 of this title.

§ 1292. Membership roll requirements.

The Secretary of the Interior shall prepare a roll of all persons who meet the following requirements:

(a) they were born on or prior to and were living on October 3, 1972; and

(b) they are citizens of the United States; and

(c)(1) their name or the name of a lineal ancestor appears on the Delaware Indian per capita payroll approved by the Secretary on April 20, 1906, or

(2) their name or the name of a lineal ancestor is on or is eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary.

(Pub. L. 92–456, § 2, Oct. 3, 1972, 86 Stat. 762.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1291, 1294, 1296, 1297 of this title.

§ 1293. Applications for enrollment; filing date and place; notice and appeal of rejections; review.

All applications for enrollment must be filed either with the Area Director of the Bureau of Indian Affairs, Muskogee, Oklahoma, or with the Area Director of the Bureau of Indian Affairs, Anadarko, Oklahoma, on or before the last day of the fourth full month following October 3, 1972, and no application shall be accepted thereafter. The Secretary of the Interior shall give a rejection notice within sixty days after receipt of an application if the applicant is ineligible for enrollment. An appeal from a rejected application must be filed with the Area Director not later than thirty days from receipt of the notice or rejection. The Secretary shall make a final determination on each appeal not later than sixty days from the date it is filed. Each application and each appeal filed with the Area Director shall be reviewed by a committee composed of representatives of the two Oklahoma Delaware groups prior to submission of the application or appeal to the Secretary, and the committee shall advise the Area Director in writing of its judgment regarding the eligibility of the applicant. (Pub. L. 92–456, § 3, Oct. 3, 1972, 86 Stat. 762.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1291, 1296, 1297 of this title.

§ 1294. Apportionment, credit, and disposition of funds.

(a) The Secretary of the Interior shall apportion to the Absentee Delaware Tribe of Western Oklahoma, as presently constituted, so much of the judgment fund and accrued interest as the ratio of the persons enrolled pursuant to section 1292(c)(2) of this title bears to the total number of persons enrolled pursuant to section 1292 of this title. The funds so apportioned to the Absentee Delaware Tribe of Western Oklahoma shall be placed to the credit of the tribe in the United States Treasury and shall be used in the following manner: 90 per centum of such funds shall be distributed in equals shares to each person enrolled pursuant to section 1292(c)(2) of this title, and 10 per centum shall remain to the credit of the tribe in the United States Treasury, and may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

(b) The funds not apportioned to the Absentee Delaware Tribe of Western Oklahoma shall be placed to the credit of the Delaware Tribe of Indians in the United States Treasury and shall be used in the following manner: 90 per centum of such funds shall be distributed in equal shares to each person enrolled pursuant to section 1292 (c)(1) of this title, and 10 per centum shall remain to the credit of the tribe in the United States Treasury and may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body: *Provided*, That the Secretary of the Interior shall not approve the use of the funds remaining to the credit of the tribe until the tribe has organized a legal entity which in the judgment of the Secretary adequately protects the interests of its members. (Pub. L. 92–456, § 4, Oct. 3, 1972, 86 Stat. 762.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1291, 1296, 1297 of this title.

§ 1295. Payments to adults; trusts for minors and persons under legal disability.

Sums payable to living enrollees age eighteen or older or to heirs or legatees of deceased enrollees age

eighteen or older shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are under age eighteen or who are under legal disability other than minority shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons. (Pub. L. 92–456, § 5, Oct. 3, 1972, 86 Stat. 763.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1291, 1296, 1297 of this title.

§ 1296. Income tax exemption.

None of the funds distributed per capita under the provisions of sections 1291 to 1297 of this title shall be subject to Federal or State income taxes. (Pub. L. 92–456, § 6, Oct. 3, 1972, 86 Stat. 763.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1291, 1297 of this title.

§ 1297. Rules and regulations.

The Secretary of the Interior is authorized to prescribed rules and regulations to carry out the provisions of sections 1291 to 1297 of this title. (Pub. L. 92–456, § 7, Oct. 3, 1972, 86 Stat. 763.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1291, 1296 of this title.

YAVAPAI APACHE TRIBE OF ARIZONA: DISTRIBUTION OF JUDGMENT FUND [NEW]

§ 1300. Distribution of funds; attorney fees and expenses.

The funds appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), to pay a judgment to the Yavapai Indians in Indian Claims Commission dockets numbered 22–E and 22–F, together with any interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of sections 1300 to 1300a–4 of this title, shall be distributed as provided in such sections. (Pub. L. 92–461, § 1, Oct. 6, 1972, 86 Stat. 768.)

REFERENCES IN TEXT

Act July 22, 1969 (83 Stat. 49, 62), referred to in the text, is Pub. L. 91–47, the Second Supplemental Appropriations Act, 1969, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300a, 1300a–3, 1300a–4 of this title.

§ 1300a. Percentage of funds for Payson Indian Band.

The Secretary of the Interior shall set aside for the benefit of the Payson Indian Band, at Payson, Arizona, 3.5 per centum of the net judgment funds described in section 1300 of this title, which shall be disposed of pursuant to section 1300a–2 of this title. (Pub. L. 92–461, § 2, Oct. 6, 1972, 86 Stat. 769.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300, 1300a–2 to 1300a–4 of this title.

§ 1300a–1. Membership roll; preparation; eligibility for enrollment; verification; approval.

For the purposes of apportioning the funds, the Yavapai Apache Indian Community of the Camp Verde Reservation, the Fort McDowell Mohave-Apache Community, and the Yavapai-Prescott Community shall prepare rolls of all persons who were born on or prior to and living on October 6, 1972, and who are enrolled or entitled to be enrolled in accordance with the respective tribal constitutions or articles of association, as the case may be, in effect on April 1, 1972. The Secretary of the Interior shall verify and approve the rolls. (Pub. L. 92–461, § 3, Oct. 6, 1972, 86 Stat. 769.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300, 1300a–2 to 1300a–4 of this title.

§ 1300a–2. Apportionment of funds; advances, expenditures, investments, or reinvestments; utilization of funds for Payson Band.

Upon completion and approval of the rolls as provided in section 1300a–1 of this title, the balance of the funds not set aside pursuant to section 1300a of this title shall be apportioned among the cited groups in section 1300a–1 of this title on the basis of the number of enrollees in each group. The funds so apportioned shall be redeposited in the Treasury of the United States to the credit of the respective groups and may be advanced, expended, invested, or reinvested in any manner authorized by the governing bodies and approved by the Secretary. All funds so accruing to the Payson Band pursuant to section 1300a of this title shall be utilized pursuant to a plan agreed upon between the governing body elected by the Payson Indian community or by the members thereof at a meeting called in accordance with the rules prescribed by the Secretary of the Interior. (Pub. L. 92–461, § 4, Oct. 6, 1972, 86 Stat. 769.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300, 1300a, 1300a–3, 1300a–4 of this title.

§ 1300a–3. Tax exemption; trusts and other procedures for protection of minors and persons under legal disability.

None of the funds distributed per capita under the provisions of sections 1300 to 1300a–4 of this title shall be subject to Federal or State income taxes. Sums payable to enrollees or heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interests of such persons. (Pub. L. 92–461, § 5, Oct. 6, 1972, 86 Stat. 769.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300, 1300a–4 of this title.

§ 1300a–4. Rules and regulations.

The Secretary is authorized to prescribe rules and regulations to carry out the provisions of sections 1300 to 1300a–4 of this title. (Pub. L. 92–461, § 6, Oct. 6, 1972, 86 Stat. 769.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300, 1300a–3 of this title.

KICKAPOO INDIANS OF KANSAS AND OKLAHOMA: DISTRIBUTION OF JUDGMENT FUND [NEW]

§ 1300b. Disposition of judgment funds; division of funds on basis of tribal membership rolls; net tribal credits.

The funds on deposit in the Treasury of the United States to the credit of the Kickapoo Indians of Kansas and Oklahoma to pay judgments by the Indian Claims Commission in dockets 316, 316–A, 317, 145, and 193, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided on the basis of membership of the respective tribes current as of October 6, 1972. For the purpose of adjusting the offsets allowed in docket 316, the Secretary of the Interior shall use the gross award (land value) as a basis for his computation, deduct therefrom the consideration paid, the offsets expended for the Kickapoo Tribe prior to its separation into two tribal entities, attorney fees and litigation expenses, and, after making the division of the balance as provided herein, shall deduct $44,759.45 from the proportionate share of the Kickapoo Tribe of Kansas and $118,661.24 from the proportionate share of the Kickapoo Tribe of Oklahoma. The balances remaining shall be the net amount to be placed to the credit of the respective tribes. (Pub. L. 92–467, § 1, Oct. 6, 1972, 86 Stat. 781.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300b–1, 1300b–4, 1300b–5 of this title.

§ 1300b–1. Per capita shares to tribal members; advances, expenditures, investments, or reinvestments for authorized purposes.

(a) The funds divided and credited under section 1300b of this title, and the funds appropriated to pay a judgment recovered by the Kickapoo Indians of Oklahoma in docket numbered 318, including the interest thereon, after the payment of attorney fees and other litigation expenses, shall be used as follows: 75 per centum shall be distributed in equal per capita shares to each person whose name appears on or is entitled to appear on the membership roll of the Kickapoo Tribe of Oklahoma and 90 per centum shall be distributed in equal per capita shares to each person whose name appears on or is entitled to appear on the membership roll of the Kickapoo Tribe of Kansas if such person was born on or prior to and is living on October 6, 1972.

(b) The balance of each tribe's share of the funds may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing bodies and approved by the Secretary of the Interior. (Pub. L. 92–467, § 2, Oct. 6, 1972, 86 Stat. 781.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300b–2, 1300b–4, 1300b–5 of this title.

§ 1300b–2. Approval of plans for use of money after submission to Congressional committees.

The Secretary of the Interior shall approve no plans for the use of the money specified in section 1300b–1(b) of this title for the Kickapoo Tribes of Kansas and Oklahoma until at least thirty days after the plans have been submitted by the Secretary to the Committees on Interior and Insular Affairs of the Senate and House of Representatives. (Pub. L. 92–467, § 3, Oct. 6, 1972, 86 Stat. 781.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300b–4, 1300b–5 of this title.

§ 1300b–3. Per capita payments; trusts and other procedures for protection of minors and persons under legal disability.

Any sums payable per capita to persons who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons. (Pub. L. 92–467, § 4, Oct. 6, 1972, 86 Stat. 781.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300b–4, 1300b–5 of this title.

§ 1300b–4. Tax exemption.

None of the funds distributed per capita under the provisions of sections 1300b to 1300b–5 of this title shall be subject to Federal or State income taxes. (Pub. L. 92–467, § 5, Oct. 6, 1972, 86 Stat. 781.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1300b–5 of this title.

§ 1300b–5. Rules and regulations.

The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of sections 1300b to 1300b–5 of this title. (Pub. L. 92–467, § 6, Oct. 6, 1972, 86 Stat. 781.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1300b–4 of this title.

YANKTON SIOUX TRIBE: DISTRIBUTION OF JUDGMENT FUND [NEW]

§ 1300c. Distribution of funds; attorney fees and expenses.

The funds appropriated by the Act of July 22, 1969 (83 Stat. 49), to pay a judgment to the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, together with the interest thereon, after payment of attorney fees and litigation expenses, and such other expenses as may be necessary in effecting the provisions of sections 1300c to 1300c–5 of this title, shall be distributed as provided in such sections. (Pub. L. 92–468, § 1, Oct. 6, 1972, 86 Stat. 782.)

REFERENCES IN TEXT

Act July 22, 1969 (83 Stat. 49), referred to in the text, is Pub. L. 91–47, the Second Supplemental Appropriations Act, 1969, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300c–4, 1300c–5 of this title.

§ 1300c–1. Funds for expert witnesses and programing needs.

The Secretary of the Interior shall withold from distribution a sum not to exceed $150,000, pending a decision by the Yankton Sioux Tribal Business and Claims Committee regarding the needs of the tribe

for expert witnesses in the Yankton Sioux claims in Indian Claims Commission dockets numbered 332–B, 332–C, and 74. The sum withheld may be used for such purpose or for other programing needs, subject to the approval of the Secretary. (Pub. L. 92–468, § 2, Oct. 6, 1972, 86 Stat. 782.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300c, 1300c–3 to 1300c–5 of this title.

§ 1300c–2. Membership roll; preparation; tribal constitutional requirements.

The Secretary of the Interior, in cooperation with the Tribal Council, shall prepare a roll of all persons born on or prior to and living on October 6, 1972, who meet the requirements for membership of the Yankton Sioux tribal constitution approved on October 5, 1932, as amended. (Pub. L. 92–468, § 3, Oct. 6, 1972, 86 Stat. 782.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300c, 1300c–4, 1300c–5 of this title.

§ 1300c–3. Per capita distributions to tribal members; advances, expenditures, investments, or reinvestments for authorized purposes; trusts and other procedures for protection of minors and persons under legal disability.

The judgment fund, less funds otherwise provided in section 1300c–1 of this title, shall be used as follows: 75 per centum thereof shall be distributed in equal per capita shares to each person who is enrolled or entitled to be enrolled on October 6, 1972, the remainder may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior. Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons. (Pub. L. 92–468, § 4, Oct. 6, 1972, 86 Stat. 782.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300c, 1300c–4, 1300c–5 of this title.

§ 1300c–4. Tax exemption.

None of the funds distributed per capita under the provisions of sections 1300c to 1300c–5 of this title shall be subject to Federal or State income taxes. (Pub. L. 92–468, § 5, Oct. 6, 1972, 86 Stat. 782.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300c, 1300c–5 of this title.

§ 1300c–5. Rules and regulations.

The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of sections 1300c to 1300c–5 of this title. (Pub. L. 92–468, § 6, Oct. 6, 1972, 86 Stat. 782.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300c, 1300c–4 of this title.

MISSISSIPPI SIOUX TRIBES: DISTRIBUTION OF JUDGMENT FUND [NEW]

§ 1300d. Distribution of funds; attorney fees and expenses.

The funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay compromise judgments to the Mdewakanton and Wahpakoota Tribe of Sioux Indians, and the Sisseton and Wahpeton Tribes of Sioux Indians, in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, together with interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of sections 1300d to 1300d–9 of this title shall be distributed as provided in such sections. (Pub. L. 92–555, § 1, Oct. 25, 1972, 86 Stat. 1168.)

REFERENCES IN TEXT

Act June 19, 1968 (82 Stat. 239), referred to in the text, is Pub. L. 90–352, Supplemental Appropriations, 1968, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300d–2, 1300d–4 to 1300d–6, 1300d–8, 1300d–9 of this title.

§ 1300d–1. Lower Council Sioux; membership rolls; applications for enrollment; finality of determinations.

(a) The Flandreau Santee Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska shall bring current their membership rolls as of October 25, 1972. The Lower Sioux Indian Community at Morton, Minnesota, the Prairie Island Indian Community at Welch, Minnesota, and the Shakopee Mdewakanton Sioux Community of Minnesota shall prepare rolls of their members who are lineal descendants of the Mdewakanton and Wahpakoota Tribes, and who were born on or prior to and are living on October 25, 1972, using available records and rolls at the local agency and area offices, and any other available records and rolls. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications shall be final.

(b) The Secretary of the Interior shall prepare a roll of the lineal descendants of the Mdewakanton and Wahpakoota Tribe who were born on or prior to and are living on October 25, 1972, whose names or the names of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a) of this section. Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final. (Pub. L. 92–555, title I, § 101, Oct, 25, 1972, 86 Stat. 1168.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300d, 1300d–2, 1300d–5, 1300d–6, 1300d–8, 1300d–9 of this title.

§ 1300d–2. Same; apportionment of funds; deposit in United States Treasury; per capita shares; advances, deposits, expenditures, investments, or reinvestments for approved purposes.

After deducting the amounts authorized in section 1300d of this title, the funds derived from the judgment awarded the Indian Claims Commission dockets

numbered 360, 361, 362, 363, and one-half of the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of the rolls prepared pursuant to section 1300d–1 of this title. An amount equivalent to the proportionate shares of those persons who are members of the Flandreau Santee Sioux Tribe of South Dakota, the Santee Sioux Tribe of Nebraska, the Lower Sioux Indian Community, the Prairie Island Indian Community, and the Shakopee Mdewakanton Sioux Community shall be placed on deposit in the United States Treasury to the credit of the respective groups. Eighty per centum of such funds on deposit to the credit of the Flandreau Santee Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska shall be distributed per capita to such tribal members, and the remainder may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior. One hundred per centum of such funds on deposit to the credit of the Lower Sioux Indian Community, the Prairie Island Indian Community, and the Shakopee Mdewakanton Sioux Community shall be distributed per capita of such tribal members: *Provided*, That none of the funds may be paid per capita to any person whose name does not appear on the rolls prepared pursuant to section 1300d–1 of this title. The shares of enrollees who are not members of such groups shall be paid per capita. (Pub. L. 92–555, title I, § 102, Oct. 25, 1972, 86 Stat. 1168.)

CODIFICATION

Reference to "section 1300d–1 of this title" was substituted for "section 2 of this Act" as conforming to manifest Congressional intent reflected in the designation of the second section, section 101 of Pub. L. 92–555 as finally enacted.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300d, 1300d–5, 1300d–6, 1300d–8, 1300d–9 of this title.

§ 1300d–3. Upper Council Sioux; membership rolls; applications for enrollment; finality of determinations.

(a) The Devils Lake Sioux Tribe of North Dakota, and the Sisseton and Wahpeton Sioux Tribe of South Dakota, shall bring current their membership rolls of October 25, 1972. The Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, shall prepare rolls of their members who are lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe, who were born on or prior to and are living on October 25, 1972, and who are entitled to enrollment on their respective membership rolls in accordance with the applicable rules and regulations of the tribe or group involved, using available, records and rolls at the local agency and area offices, and any other available records and rolls. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications for enrollment shall be final.

(b) The Secretary of the Interior shall prepare a roll of the lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe who were born on or prior to and are living on October 25, 1972, whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a) of this section. Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final. (Pub. L. 92–555, title II, § 201, Oct. 25, 1972, 86 Stat. 1169.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300d, 1300d–4 to 1300d–6, 1300d–8, 1300d–9 of this title.

§ 1300d–4. Same; apportionment of funds; deposit in United States Treasury; per capita shares; advances, deposits, expenditures, investments, or reinvestments for approved purposes; programing proposals; other per capita distributions.

(a) After deducting the amount authorized in section 1300d of this title, the funds derived from the judgment awarded in Indian Claims Commission docket numbered 142 and the one-half remaining from the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of reservation residence and other residence shown on the 1909 McLaughlin annuity roll, as follows:

Tribe or group	Percentage
Devils Lake Sioux of North Dakota	21.6892
Sisseton-Wahpeton Sioux of South Dakota	42.9730
Assiniboine and Sioux Tribe of the Fort Reservation, Montana	10.3153
All other Sisseton and Wahpeton Sioux	25.0225

(b) The shares of the Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribe of the Fort Peck Indian Reservation, Montana, as apportioned in accordance with subsection (a) of this section, shall be placed on deposit in the United States Treasury to the credit of the respective groups. Seventy per centum of such funds shall be distributed per capita to their tribal members: *Provided*, That none of the funds may be paid per capita to any person whose name does not appear on the rolls prepared pursuant to section 1300d–3(a) of this title. The remainder of such funds may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided*, That, in the case of the Assiniboine and Sioux Tribe of the Fort Peck Reservation, Montana, the Fort Peck Sisseton-Wahpeton Sioux Council shall act as the governing body in determining the distribution of funds allotted for programing purposes: *Provided further*, That the Sisseton-Wahpeton Sioux Tribe of South Dakota shall act in concert with its membership residing in the Upper Sioux Community in Minnesota and its membership affiliated with the Urban Sisseton-Wahpeton Council of the Minneapolis-Saint Paul area in jointly submitting programing proposals to the Secretary.

(c) The funds allocated to all other Sisseton and Wahpeton Sioux, as provided in subsection (a) of this section, shall be distributed per capita to the

persons enrolled on the roll prepared by the Secretary pursuant to section 1300d–3(b) of this title. (Pub. L. 92–555, title II, § 202, Oct. 25, 1972, 86 Stat. 1169.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300d, 1300d–5, 1300d–6, 1300d–8, 1300d–9 of this title.

§ 1300d–5. Citizenship requirement.

No person shall be eligible to be enrolled under sections 1300d to 1300d–9 of this title who is not a citizen of the United States. (Pub. L. 92–555, title III, § 301, Oct. 25, 1972, 86 Stat. 1170.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300d, 1300d–6, 1300d–8, 1300d–9 of this title.

§ 1300d–6. Election of group for enrollment.

Any person qualifying for enrollment with more than one group shall elect the group with which he shall be enrolled for the purpose of sections 1300d to 1300d–9 of this title. (Pub. L. 92–555, title III, § 302, Oct. 25, 1972, 86 Stat. 1170.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300d, 1300d–5, 1300d–8, 1300d–9 of this title.

§ 1300d–7. Protection of minors and persons under legal disability.

The sums payable to enrollees or their heirs or legatees who are minors or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons after considering the recommendations of the governing bodies of the groups involved. (Pub. L. 92–555, title III, § 303, Oct. 25, 1972, 86 Stat. 1170.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300d, 1300d–5, 1300d–6, 1300d–8, 1300d–9 of this title.

§ 1300d–8. Income tax exemption.

None of the funds distributed per capita under the provisions of sections 1300d to 1300d–9 of this title shall be subject to Federal or State income taxes. (Pub. L. 92–555, title III, § 304, Oct. 25, 1972, 86 Stat. 1170.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300d, 1300d–5, 1300d–6, 1300d–9 of this title.

§ 1300d–9. Rules and regulations.

The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of sections 1300d to 1300d–9 of this title, including the establishment of deadlines. (Pub. L. 92–555, title III, § 305, Oct. 25, 1972, 86 Stat. 1170.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300d, 1300d–5, 1300d–6, 1300d–8 of this title.

ASSINIBOINE TRIBES OF MONTANA: DISTRIBUTION OF JUDGMENT FUND [NEW]

§ 1300e. Disposition of funds; percentage basis for division; attorney fees and expenses.

The funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment to the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided by the Secretary of the Interior on the basis of 50 per centum to the Assiniboine Tribe of the Fort Peck Reservation and 50 per centum to the Assiniboine Tribe of the Fort Belknap Reservation. (Pub. L. 92–557, § 1, Oct. 25, 1972, 86 Stat. 1171.)

REFERENCES IN TEXT

Act Jan. 8, 1971 (84 Stat. 1981), referred to in the text, is Pub. L. 91–665, Supplemental Appropriations Act, 1971, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300e–6, 1300e–7 of this title.

§ 1300e–1. Per capita shares to members of Assiniboine Tribe of Fort Peck Reservation; deduction; eligibility for payments.

The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used as provided in section 1300e–2 of this title, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, October 25, 1972, who is a citizen of the United States, is duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, (b) persons who possess equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood and who elect to be enrolled as Sioux, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of sections 1201 to 1205 of this title, for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279–A. (Pub. L. 92–557, § 2, Oct. 25, 1972, 86 Stat. 1171.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300e–2, 1300e–6, 1300e–7 of this title.

§ 1300e–2. Same; expenditure of withheld funds for certain salaries and expenses; additional per capita distributions.

Upon agreement by the Fort Peck Assiniboine Tribe and the Fort Peck Sioux Tribe on the amount each agrees to contribute from the award to each tribe in Indian Claims Commission docket number bered 279–A, the agreed contribution of the Fort Peck Assiniboine Tribe shall be withdrawn from the $50,000, and interest thereon, withheld from per capita distribution pursuant to section 1300e–1 of this title, and shall be credited to the joint account for expenditure pursuant to the Act of June 29, 1954 (68 Stat. 329): *Provided*, That upon request of the Fort Peck Assiniboine Tribe the Secretary of the Interior in his discretion may distribute all or part of the aforesaid $50,000 and interest thereon per capita to each person eligible under section 1300e–1 of this title. (Pub. L. 92–557, § 3, Oct. 25, 1972, 86 Stat. 1171.)

REFERENCES IN TEXT

Act June 29, 1954, 68 Stat. 329, referred to in the text, authorized payment of salaries and expenses of officials of Fort Peck Tribes and was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300e–1, 1300e–6, 1300e–7 of this title.

§ 1300e–3. Per capita shares to members of Assiniboine Tribe of Fort Belknap Reservation; deductions; eligibility for payments.

The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used as provided in section 1300e–4 of this title, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, October 25, 1972, who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degrees of Fort Belknap Assiniboine and Fort Peck Gros Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under sections 1261 to 1265 of this title, for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279–A. (Pub. L. 92–557, § 4, Oct. 25, 1972, 86 Stat. 1171.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300e–4, 1300e–6, 1300e–7 of this title.

§ 1300e–4. Same; expenditure of withheld funds for authorized purposes; community projects; additional per capita distributions.

The $100,000 withheld from distribution under section 1300e–3 of this title, and interest thereon, may be used for any purpose authorized by the Assiniboine Treaty Committee of the Fort Belknap Assiniboine Tribe and approved by the Secretary of the Interior, including contributions to Reservation community projects and further per capita distribution. (Pub. L. 92–557, § 5, Oct. 25, 1972, 86 Stat. 1172.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300e–3, 1300e–6, 1300e–7 of this title.

§ 1300e–5. Per capita shares; reversion to tribe.

The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary. (Pub. L. 92–557, § 6, Oct. 25, 1972, 86 Stat. 1172.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1300e–6, 1300e–7 of this title.

§ 1300e–6. Income tax exemption; protection of minors and persons under legal disability.

None of the funds distributed per capita under the provisions of sections 1300e to 1300e–7 of this title shall be subject to Federal or State income taxes. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons. (Pub. L. 92–557, § 7, Oct. 25, 1972, 86 Stat. 1172.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1300e–7 of this title.

§ 1300e–7. Rules and regulations.

The Secretary is authorized to prescribe rules and regulations to effect the provisions of sections 1300e to 1300e–7 of this title including the establishment of deadlines. (Pub. L. 92–557, § 8, Oct. 25, 1972, 86 Stat. 1172.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1300e–6 of this title.

Chapter 15.—CONSTITUTIONAL RIGHTS OF INDIANS

§ 1341. Authorization of Secretary.

* * * * *

(c) Authorization of appropriations.

There is authorized to be appropriated for carrying out the provisions of this subchapter such sum as may be necessary. (As amended Pub. L. 93–265, Apr. 12, 1974, 88 Stat. 84.)

AMENDMENTS

1974—Subsec. (c). Pub. L. 93–265 deleted ", with respect to the preparation but not including printing," preceding "such sum".

Chapter 16.—DISTRIBUTION OF JUDGMENT FUNDS [NEW]

Sec.

1401. Funds appropriated in satisfaction of judgments of Indian Claims Commission or Court of Claims; use and distribution.
1402. Plan for use or distribution of funds.
(a) Preparation and submission to Congress by Secretary of the Interior.
(b) Extension of time for preparation and submission of plan.
(c) Notification of affected Indian tribe.
1403. Preparation of plan; prerequisites to final preparation; guidelines for plan formulation.
1404. Hearing transcripts and tribal support statements; submission to Congress with plan.
1405. Effective date of plan; Congressional resolution of disapproval; proposed legislation and report to Congress following Congressional disapproval.
1406. Rules and regulations.
(a) Promulgation.
(b) Publication in Federal Register.
(c) Hearings.
1407. Tax exemption.

§ 1401. Funds appropriated in satisfaction of judgments of Indian Claims Commission or Court of Claims; use and distribution.

Notwithstanding any other law, all use or distribution of funds appropriated in satisfaction of a judgment of the Indian Claims Commission or the Court

of Claims in favor of any Indian tribe, band, group, pueblo, or community (hereinafter referred to as "Indian tribe"), together with any interest earned thereon, after payment of attorney fees and litigation expenses, shall be made pursuant to the provisions of this chapter. (Pub. L. 93–134, § 1, Oct. 19, 1973, 87 Stat. 466.)

§ 1402. Plan for use or distribution of funds.

(a) Preparation and submission to Congress by Secretary of the Interior.

Within one hundred and eighty days after the appropriation of funds to pay a judgment of the Indian Claims Commission or the Court of Claims to any Indian tribe, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall prepare and submit to the Congress a plan for the use or distribution of such funds: *Provided, however,* That with respect to judgments for which funds have been appropriated and for which legislation authorizing use or distribution has not been enacted prior to October 19, 1973, the one hundred and eighty-day period shall begin on October 19, 1973. In any case where the Secretary determines that the circumstances do not permit the preparation and submission of a plan as provided in this chapter, he shall submit, within such one hundred and eighty-day period, proposed legislation as provided in section 1405(b) of this title.

(b) Extension of time for preparation and submission of plan.

An extension of the one hundred and eighty-day period, not to exceed ninety days, may be requested by the Secretary or by the affected Indian tribe submitting such request to the committees through the Secretary, and any such request will be subject to the approval of both the Senate and House of Representatives Committees on Interior and Insular Affairs.

(c) Notification of affected Indian tribe.

The Secretary shall notify the affected Indian tribe on the date of submission of such plan and provide it with a copy thereof. (Pub. L. 93–134, § 2, Oct. 19, 1973, 87 Stat. 466.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1404 of this title.

§ 1403. Preparation of plan; prerequisites to final preparation; guidelines for plan formulation.

(a) The Secretary shall prepare a plan which shall best serve the interests of all those entities and individuals entitled to receive funds of each Indian judgment. Prior to the final preparation of the plan, the Secretary shall—

(1) receive and consider any resolution or communication, together with any suggested use or distribution plan, which any affected Indian tribe may wish to submit to him; and

(2) hold a hearing of record, after appropriate public notice, to obtain the testimony of leaders and members of the Indian tribe which may receive any portion, or be affected by the use or distribution, of such funds, in the area in which such Indian tribe is located and at a time which shall best serve the convenience of the eligible members thereof.

(b) In preparing a plan for the use or distribution of the funds of each Indian judgment, the Secretary shall, among other things, be assured that—

(1) legal, financial, and other expertise of the Department of the Interior has been made fully available in an advisory capacity to the Indian tribe which is entitled to such funds to assist it to develop and communicate to the Secretary pursuant to clause (1) of subsection (a) of this section its own suggested plan for the distribution and use of such funds:

(2) the needs and desires of any groups or individuals who are in a minority position, but who are also entitled to receive such funds, have been fully ascertained and considered;

(3) the interests of minors and other legally incompetent persons who are entitled to receive any portion of such funds as are subsequently distributed to them are and will be protected and preserved;

(4) any provision, including enrollment provisions, of the constitution, bylaws, rules, and procedures of such tribe which may affect the distribution or other use of such funds are in full accord with the principles of fairness and equity;

(5) a significant portion of such funds shall be set aside and programed to serve common tribal needs, educational requirements, and such other purposes as the circumstances of the affected Indian tribe may justify, except not less than 20 per centum of such funds shall be so set aside and programed unless the Secretary determines that the particular circumstances of the pertinent Indian tribe clearly warrant otherwise; and

(6) methods exist and will be employed to insure the proper performance of the plan once it becomes effective under section 1405 of this title.

(Pub. L. 93–134, § 3, Oct. 19, 1973, 87 Stat. 467.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1404 of this title.

§ 1404. Hearing transcripts and tribal support statements; submission to Congress with plan.

When submitting the plan as provided in section 1402 of this title, the Secretary shall also submit to the Congress with such plan—

(1) copies of the transcripts of hearings held by him concerning the Indian judgment pursuant to clause (2) of section 1403(a) of this title and all other papers and documents considered by him in the preparation of such plan, including any resolution, communication, or suggested use or distribution plan of the pertinent Indian tribe submitted pursuant to clause (1) of section 1403(a) of this title; and

(2) a statement of the extent to which such plan reflects the desires of the Indian tribe or individuals who are entitled to such funds, which statement shall specify the alternatives, if any, proposed by such Indian tribe or individuals in lieu of such plan, together with an indication of the

degree of support among the interested parties for each such alternative.
(Pub. L. 93–134, § 4, Oct. 19, 1973, 87 Stat. 467.)

§ 1405. Effective date of plan; Congressional resolution of disapproval; proposed legislation and report to Congress following Congressional disapproval.

(a) The plan prepared by the Secretary shall become effective, and he shall take immediate action to implement the plan for the use or distribution of such judgment funds, at the end of the sixty-day period (excluding days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) beginning on the day such plan is submitted to the Congress, unless during such sixty-day period either House adopts a resolution disapproving such plans.

(b) Within thirty calendar days after the date of adoption of a resolution disapproving a plan, the Secretary shall submit to the Congress proposed legislation, together with a report thereon, authorizing use or distribution of such funds. (Pub. L. 93–134, § 5, Oct. 19, 1973, 87 Stat. 468.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1402, 1403 of this title.

§ 1406. Rules and regulations.

(a) Promulgation.

The Secretary shall promulgate rules and regulations to implement this chapter no later than the end of the one hundred and eighty-day period beginning on October 19, 1973. Among other things, such rules and regulations shall provide for adequate notice to all entities and persons who may receive funds under any Indian judgment of all relevant procedures pursuant to this chapter concerning any such judgment.

(b) Publication in Federal Register.

No later than sixty days prior to the promulgation of such rules and regulations the Secretary shall publish the proposed rules and regulations in the Federal Register.

(c) Hearings.

No later than thirty days prior to the promulgation of such rules and regulations, the Secretary shall provide, with adequate public notice, the opportunity for hearings on the proposed rules and regulations, once published, to all interested parties. (Pub. L. 93–134, § 6, Oct. 19, 1973, 87 Stat. 468.)

§ 1407. Tax exemption.

None of the funds distributed per capita or held in trust under the provisions of this chapter shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act. (Pub. L. 93–134, § 7, Oct. 19, 1973, 87 Stat. 468.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is set out in section 301 et seq. of Title 42, The Public Health and Welfare.

Chapter 17.—FINANCING ECONOMIC DEVELOPMENT OF INDIANS AND INDIAN ORGANIZATIONS [NEW]

GENERAL PROVISIONS

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1451. Congressional declaration of policy.
1452. Definitions.
1453. Assistance or activities of other Federal agencies unaffected.

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1461. Administration as single Indian Revolving Loan Fund sums from diverse sources; availability of fund for loans to Indians and for administrative expenses.
1462. Economic development; educational loans; limitation of loans to or investments in non-Indian organizations.
1463. Repayment of loan; financing from other sources.
1464. Maturity of loans; interest rate; interest deferral on educational loans.
1465. Modification of amount of loan and document securing loan in collection of loan or in best interests of the United States.
1466. Land and personal property title.
1467. Security for loan; assignment of securities; reasonable assurance of repayment.
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1481. Statement of purpose.
1482. Premium charges; deposits in Indian Loan Guaranty and Insurance Fund.
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1489. Loans made by certain financial institutions without regard to limitations and restrictions of other Federal statutes with respect to certain particulars.
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1491. Defaults; written notification; pro rata payments; subrogation and assignment rights of Secretary; cancellation of uncollectable portion of obligations; forbearance for benefit of borrower; interest or charges cessation date.
1492. Claims for losses; submission to Secretary; reimbursement: single and aggregate loss limitations, conditions; assignment of note or judgment; collection or cancellation by Secretary; interest or charges cessation date.
1493. Loan refusal; conditions; prohibition against acquisition of additional loans; payment of claims on loans made in good faith.
1494. Evidence of eligibility of loan for and amount of guaranty or insurance; defenses and partial defenses against original lender.
1495. Land and personal property titles.
1496. Powers of Secretary; finality of financial transactions and property acquisitions, management, and dispositions.
1497. Indian Loan Guaranty and Insurance Fund.
(a) Establishment of revolving fund.
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Sec.
1511. Interest subsidies; rules and regulations.
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SUBCHAPTER IV.—INDIAN BUSINESS GRANTS

1521. Indian Business Development Program; establishment; statement of purpose.
1522. Conditions.
(a) Limitation of amount.
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SUBCHAPTER V.—MISCELLANEOUS PROVISIONS

1541. Competent management and technical assistance for economic enterprises.
1542. Agency cooperation; private contracts for management services and technical assistance.
1543. Funds limitation for private contracts.

GENERAL PROVISIONS

§ 1451. Congressional declaration of policy.

It is hereby declared to be the policy of Congress to provide capital on a reimbursable basis to help develop and utilize Indian resources, both physical and human, to a point where the Indians will fully exercise responsibility for the utilization and management of their own resources and where they will enjoy a standard of living from their own productive efforts comparable to that enjoyed by non-Indians in neighboring communities. (Pub. L. 93–262, § 2, Apr. 12, 1974, 88 Stat. 77.)

SHORT TITLE

Section 1 of Pub. L. 93–262 provided: "That this Act [enacting this chapter] may be cited as the 'Indian Financing Act of 1974'."

§ 1452. Definitions.

For the purpose of this chapter, the term—

(a) "Secretary" means the Secretary of the Interior.

(b) "Indian" means any person who is a member of any Indian tribe, band, group, pueblo, or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any "Native" as defined in the Alaska Native Claims Settlement Act.

(c) "Tribe" means any Indian tribe, band, group, pueblo, or community, including Native villages and Native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act, which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(d) "Reservation" includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act.

(e) "Economic enterprise" means any Indian-owned (as defined by the Secretary of the Interior) commercial, industrial, or business activity established or organized for the purpose of profit: *Provided*, That such Indian ownership shall constitute not less than 51 per centum of the enterprise.

(f) "Organization", unless otherwise specified, shall be the governing body of any Indian tribe, as defined in subsection (c) of this section, or entity established or recognized by such governing body for the purpose of this chapter.

(g) "Other organizations" means any non-Indian individual, firm, corporation, partnership, or association. (Pub. L. 93–262, § 3, Apr. 12, 1974, 88 Stat. 77.)

REFERENCES IN TEXT

Alaska Native Claims Settlement Act, referred to in subsecs. (b)–(d), is classified to chapter 33 (section 1601 et seq.) of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450e, 1484 of this title; title 42 section 4261.

§ 1453. Assistance or activities of other Federal agencies unaffected.

No provision of this chapter or any other Act shall be construed to terminate or otherwise curtail the assistance or activities of the Small Business Administration or any other Federal agency with respect to any Indian tribe, organization, or individual because of their eligibility for assistance under this chapter. (Pub. L. 93–262, § 4, Apr. 12, 1974, 88 Stat. 77.)

SUBCHAPTER I.—INDIAN REVOLVING LOAN FUND

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1541 of this title.

§ 1461. Administration as single Indian Revolving Loan Fund sums from diverse sources; availability of fund for loans to Indians and for administrative expenses.

In order to provide credit that is not available from private money markets, all funds that are now or hereafter a part of the revolving fund authorized by the Act of June 18, 1934, the Act of June 26, 1936, and the Act of April 19, 1950, as amended and supplemented, including sums received in settlement of debts of livestock pursuant to the Act of May 24, 1950, and sums collected in repayment of loans heretofore or hereafter made, and as interest or other charges on loans, shall hereafter be administered as a single Indian Revolving Loan Fund. The fund shall be available for loans to Indians having a form of organization that is satisfactory to the Secretary and for loans to individual Indians who are not members of or eligible for membership in an organization which is making loans to its members: *Provided*, That, where the Secretary determines a rejection of a loan application from a member of an organization making loans to its membership from moneys borrowed from the fund is unwarranted, he may, in his discretion, make a direct loan to such individual from the fund. The fund shall also be available for administrative expenses incurred in connection therewith. (Pub. L. 93–262, title I, § 101, Apr. 12, 1974, 88 Stat. 78.)

REFERENCES IN TEXT

Act June 18, 1934, referred to in the text, refers to the Indian Reorganization Act which is classified to section 461 et seq. of this title.

Act June 26, 1936, referred to in the text, refers to the Oklahoma Welfare Act which is classified to section 501 et seq. of this title.

Act Apr. 19, 1950, referred to in the text, refers to the Navajo-Hopi Rehabilitation Act which is classified to section 631 et seq. of this title.

Act May 24, 1950, referred to in the text, is classified to sections 442 and 443 of this title.

§ 1462. Economic development; educational loans; limitation of loans to or investments in non-Indian organizations.

Loans may be made for any purpose which will promote the economic development of (a) the individual Indian borrower, including loans for educational purposes, and (b) the Indian organization and its members including loans by such organizations to other organizations and investments in other organizations regardless of whether they are organizations of Indians: *Provided,* That not more than 50 per centum of loan made to an organization shall be used by such organization for the purpose of making loans to or investments in non-Indian organizations. (Pub. L. 93–262, title I, § 102, Apr. 12, 1974, 88 Stat. 78.)

§ 1463. Repayment of loan; financing from other sources.

Loans may be made only when, in the judgment of the Secretary, there is a reasonable prospect of repayment, and only to applicants who in the opinion of the Secretary are unable to obtain financing from other sources on reasonable terms and conditions. (Pub. L. 93–262, title I, § 103, Apr. 12, 1974, 88 Stat. 78.)

§ 1464. Maturity of loans; interest rate; interest deferral on educational loans.

Loans shall be for terms that do not exceed thirty years and shall bear interest at (a) a rate determined by the Secretary of the Treasury taking into consideration the market yield on municipal bonds: *Provided,* That in no event shall the rate be greater than the rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity, plus (b) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose: *Provided,* That educational loans may provide for interest to be deferred while the borrower is in school or in the military service. (Pub. L. 93–262, title I, § 104, Apr. 12, 1974, 88 Stat. 78.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1511 of this title.

§ 1465. Modification of amount of loan and document securing loan in collection of loan or in best interests of the United States.

The Secretary may cancel, adjust, compromise, or reduce the amount of any loan or any portion thereof heretofore or hereafter made from the revolving loan fund established by this subchapter and its predecessor constituent funds which he determines to be uncollectable in whole or in part, or which is collectable only at an unreasonable cost, or when such action would, in his judgment, be in the best interests of the United States: *Provided,* That proceedings pursuant to this sentence shall be effective only after following the procedure prescribed by section 386a of this title. He may also adjust, compromise, subordinate, or modify the terms of any mortgage, lease, assignment, contract, agreement, or other document taken to secure such loans. (Pub. L. 93–262, title I, § 105, Apr. 12, 1974, 88 Stat. 78.)

§ 1466. Land and personal property title.

Title to any land purchased by a tribe or by an individual Indian with loans made from the revolving loan fund may be taken in trust unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian which is outside the boundaries of the reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase, otherwise title shall be taken in the name of the purchasers without any restriction on alienation, control, or use. Title to any personal property purchased with a loan from the revolving loan fund shall be taken in the name of the purchaser. (Pub. L. 93–262, title I, § 106, Apr. 12, 1974, 88 Stat. 78.)

§ 1467. Security for loan; assignment of securities; reasonable assurance of repayment.

Any organization receiving a loan from the revolving loan fund shall be required to assign to the United States as security for the loan all securities acquired in connection with the loans made to its members from such funds unless the Secretary determines that the repayment of the loan to the United States is otherwise reasonably assured. (Pub. L. 93–262, title I, § 107, Apr. 12, 1974, 88 Stat. 79.)

§ 1468. Authorization of appropriations.

There is authorized to be appropriated, to provide capital and to restore any impairment of capital for the revolving loan fund $50,000,000 exclusive of prior authorizations and appropriations. (Pub. L. 93–262, title I, § 108, Apr. 12, 1974, 88 Stat. 79.)

§ 1469. Rules and regulations.

The Secretary shall promulgate rules and regulations to carry out the provisions of this subchapter. (Pub. L. 93–262, title I, § 109, Apr. 12, 1974, 88 Stat. 79.)

SUBCHAPTER II.—LOAN GUARANTY AND INSURANCE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1511, 1541 of this title.

§ 1481. Statement of purpose.

In order to provide access to private money sources which otherwise would not be available, the Secretary is authorized (a) to guarantee not to exceed 90 per centum of the unpaid principal and interest due on any loan made to any organization of Indians

having a form or organization satisfactory to the Secretary, and to individual Indians who are not members of or eligible for membership in an organization which is making loans to its members; and (b) in lieu of such guaranty, to insure loans under an agreement approved by the Secretary whereby the lender will be reimbursed for losses in an amount not to exceed 15 per centum of the aggregate of such loans made by it, but not to exceed 90 per centum of the loss on any one loan. (Pub. L. 93–262, title II, § 201, Apr. 12, 1974, 88 Stat. 79.)

§ 1482. Premium charges; deposits in Indian Loan Guaranty and Insurance Fund.

The Secretary shall fix such premium charges for the insurance and guarantee of loans as are in his judgment adequate to cover expenses and probable losses, and deposit receipts from such charges in the Indian Loan Guaranty and Insurance Fund established pursuant to section 1497(a) of this title. (Pub. L. 93–262, title II, § 202, Apr. 12, 1974, 88 Stat. 79.)

§ 1483. Interest rate.

Loans guaranteed or insured pursuant to this subchapter shall bear interest (exclusive of premium charges for insurance, and service charge, if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable taking into consideration the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States. (Pub. L. 93–262, title II, § 203, Apr. 12, 1974, 88 Stat. 79.)

§ 1484. Application for loan; approval by Secretary; issuance of certificate; limitations on amount of loans to individual Indians or economic enterprises.

The application for a loan to be guaranteed hereunder shall be submitted to the Secretary for prior approval. Upon approval, the Secretary shall issue a certificate as evidence of the guaranty. Such certificate shall be issued only when, in the judgment of the Secretary, there is a reasonable prospect of repayment. No loan to an individual Indian may be guaranteed or insured which would cause the total unpaid principal indebtedness to exceed $100,000. No loan to an economic enterprise (as defined in section 1452 of this title) in excess of $100,000, or such lower amount as the Secretary may determine to be appropriate, shall be insured unless prior approval of the loan is obtained from the Secretary. (Pub. L. 93–262, title II, § 204, Apr. 12, 1974, 88 Stat. 79.)

§ 1485. Sale or assignment of loans and underlying security to financial institutions; supervision by public agencies.

Any loan guaranteed hereunder, including the security given therefor, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the United States or of any State or the District of Columbia. (Pub. L. 93–262, title II, § 205, Apr. 12, 1974, 88 Stat. 80.)

§ 1486. Loans ineligible for guaranty or insurance.

Loans made by any agency or instrumentality of the Federal Government, or by an organization of Indians from funds borrowed from the United States, and loans the interest on which is not included in gross income for the purposes of chapter 1 of Title 26 shall not be eligible for guaranty or insurance hereunder. (Pub. L. 93–262, title II, § 206, Apr. 12, 1974, 88 Stat. 80.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1488 of this title.

§ 1487. Loans eligible for insurance.

Any loans insured hereunder shall be restricted to those made by a financial institution subject to examination and supervision by an agency of the United States, a State, or the District of Columbia, and to loans made by Indian organizations from their own funds to other tribes or organizations of Indians. (Pub. L. 93–262, title II, § 207, Apr. 12, 1974, 88 Stat. 80.)

§ 1488. Lenders authorized to make loans; decrease or increase of liability under the guaranty.

Loans guaranteed hereunder may be made by any lender satisfactory to the Secretary, except as provided in section 1486 of this title. The liability under the guaranty shall decrease or increase pro rata with any decrease or increase in the unpaid portion of the obligation. (Pub. L. 93–262, title II, § 208, Apr. 12, 1974, 88 Stat. 80.)

§ 1489. Loans made by certain financial institutions without regard to limitations and restrictions of other Federal statutes with respect to certain particulars.

Any loan made by any national bank or Federal savings and loan association, or by any bank, trust company, building and loan association, or insurance company authorized to do business in the District of Columbia, at least 20 per centum of which is guaranteed hereunder, may be made without regard to the limitations and restrictions of any other Federal statute with respect to (a) ratio of amount of loan to the value of the property; (b) maturity of loans; (c) requirement of mortgage or other security; (d) priority of lien; or (e) percentage of assets which may be invested in real estate loans. (Pub. L. 93–262, title II, § 209, Apr. 12, 1974, 88 Stat. 80.)

§ 1490. Maturity of loans.

The maturity of any loan guaranteed or insured hereunder shall not exceed thirty years. (Pub. L. 93–262, title II, § 210, Apr. 12, 1974, 88 Stat. 80.)

§ 1491. Defaults; written notification; pro rata payments; subrogation and assignment rights of Secretary; cancellation of uncollectable portion of obligations; forbearance for benefit of borrower; interest or charges cessation date.

In the event of a default of a loan guaranteed hereunder, the holder of the guaranty certificate may immediately notify the Secretary in writing of such default and the Secretary shall thereupon pay to such holder the pro rata portion of the amount guaranteed and shall be subrogated to the rights of the holder of the guaranty and receive an assignment of the obligation and security. The Secretary may cancel the uncollectable portion of any obligation, to which he has an assignment or a subrogated right under this section: *Provided*, That proceedings

pursuant to this sentence shall be effective only after following the procedure prescribed by section 386a of this title. Nothing in this section shall be construed to preclude any forbearance for the benefit of the borrower as may be agreed upon by the parties to the loan and approved by the Secretary. The Secretary may establish the date, not later than the date of judgment and decree of foreclosure or sale, upon which accrual of interest or charges shall cease. (Pub. L. 93–262, title II, § 211, Apr. 12, 1974, 88 Stat. 80.)

§ 1492. Claims for losses; submission to Secretary; reimbursement: single and aggregate loss limitations, conditions; assignment of note or judgment; collection or cancellation by Secretary; interest or charges cessation date.

When a lender suffers a loss on a loan insured hereunder, including accrued interest, a claim therefor shall be submitted to the Secretary. If the Secretary finds that the loss has been suffered, he shall reimburse the lender therefor: *Provided,* That the amount payable to the lender for a loss on any one loan shall not exceed 90 per centum of such loss: *Provided further,* That no reimbursement may be made for losses in excess of 15 per centum of the aggregate of insured loans made by the lender: *Provided further,* That before any reimbursement is made, all reasonable collection efforts shall have been exhausted by the lender, and the security for the loan shall have been liquidated to the extent feasible, and the proceeds applied on the debt. Upon reimbursement, in whole or in part, to the lender, the note or judgment evidencing the debt shall be assigned to the United States, and the lender shall have no further claim against the borrower or the United States. The Secretary shall then take such further collection action as may be warranted, or may cancel the uncollectable portion of any debt assigned pursuant hereto. The Secretary may establish a date upon which accrual of interest or charges shall cease. (Pub. L. 93–262, title II, § 212, Apr. 12, 1974, 88 Stat. 80.)

§ 1493. Loan refusal; conditions; prohibition against acquisition of additional loans; payment of claims on loans made in good faith.

Whenever the Secretary finds that any lender or holder of a guaranty certificate fails to maintain adequate accounting records, or to demonstrate proper ability to service adequately loans guaranteed or insured, or to exercise proper credit judgment, or has willfully or negligently engaged in practices otherwise detrimental to the interests of a borrower or of the United States, he may refuse, either temporarily or permanently, to guarantee to insure any further loans made by such lender or holder, and may bar such lender or holder from acquiring additional loans guaranteed or insured hereunder: *Provided,* That the Secretary shall not refuse to pay a valid guaranty or insurance claim on loans previously made in good faith. (Pub. L. 93–262, title II, § 213, Apr. 12, 1974, 88 Stat. 81.)

§ 1494. Evidence of eligibility of loan for and amount of guaranty or insurance; defenses and partial defenses against original lender.

Any evidence of guaranty or insurance issued by the Secretary shall be conclusive evidence of the eligibility of the loan for guaranty or insurance under the provisions of this chapter and the amount of such guaranty or insurance: *Provided,* That nothing in this section shall preclude the Secretary from establishing, as against the original lender, defenses based on fraud or material misrepresentation or bar him from establishing, by regulations in force at the date of such issuance or disbursement, whichever is the earlier, partial defenses to the amount payable on the guaranty or insurance. (Pub. L. 93–262, title II, § 214, Apr. 12, 1974, 88 Stat. 81.)

§ 1495. Land and personal property titles.

Title to any land purchased by a tribe or by an individual Indian with loans guaranteed or insured pursuant to this subchapter may be taken in trust, unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian which is outside the boundaries of the reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase, otherwise title shall be taken in the name of the purchaser without any restriction on alienation, control, or use. Title to any personal property purchased with loans guaranteed or insured hereunder shall be taken in the name of the purchaser. (Pub. L. 93–262, title II, § 215, Apr. 12, 1974, 88 Stat. 81.)

§ 1496. Powers of Secretary; finality of financial transactions and property acquisitions, management, and dispositions.

The financial transactions of the Secretary incident to or arising out of the guarantee or insurance of loans, and the acquisition, management, and disposition of property, real, personal, or mixed, incident to such activities, shall be final and conclusive upon all officers of the Government. With respect to matters arising out of the guaranty or insurance programs authorized by this subchapter and notwithstanding the provisions of any other laws, the Secretary may—

(a) sue and be sued in his official capacity in any court of competent jurisdiction;

(b) subject to the specific limitations in this subchapter, consent to the modification, with respect to the rate of interest, time of payment on principal or interest or any portion thereof, security, or any other provisions of any note, contract, mortgage, or other instrument securing a loan which has been guaranteed or insured hereunder;

(c) subject to the specific limitations in this subchapter; pay, or compromise, any claim on, or arising because of any loan guaranty or insurance;

(d) subject to the specific limitations in this subchapter; pay, or compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including, but not limited to, any equity or right of redemption:

(e) purchase at any sale, public, or private, upon such terms and for such prices as he determines to be reasonable, and take title to property, real, personal, or mixed; and similarly sell, at

public or private sale, exchange, assign, convey, or otherwise dispose of such property; and

(f) complete, administer, operate, obtain, and pay for insurance on, and maintain, renovate, repair, modernize, lease, or otherwise deal with any property acquired or held pursuant to the guaranty or insurance program authorized by this subchapter.

(Pub. L. 93–262, title II, § 216, Apr. 12, 1974, 88 Stat. 81.)

§ 1497. Indian Loan Guaranty and Insurance Fund.

(a) Establishment of revolving fund.

There is hereby created an Indian Loan Guaranty and Insurance Fund (hereinafter referred to as the "fund") which shall be available to the Secretary as a revolving fund without fiscal year limitation for carrying out the provisions of this subchapter.

(b) Aggregate loans limitation.

The Secretary may use the fund for the purpose of fulfilling the obligations with respect to loans guaranteed or insured under this subchapter, but the aggregate of such loans which are insured or guaranteed by the Secretary shall be limited to $200,000,000.

(c) Assets, liabilities, and obligations of fund; loan servicing and purchasing agreements: terms and conditions.

All funds, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section and all collections and proceeds therefrom, shall constitute assets of the fund; and all liabilities and obligations of such assets shall be liabilities and obligations of the fund. The Secretary is authorized to make agreements with respect to servicing loans held, guaranteed, or insured by him under this subchapter and purchasing such guaranteed or insured loans on such terms and conditions as he may prescribe.

(d) Utilization of fund for diverse payments.

The Secretary may also utilize the fund to pay taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed or insured under this subchapter or held by the Secretary, to acquire such security property at foreclosure sale or otherwise, and to pay administrative expenses. (Pub. L. 93–262, title II, § 217, Apr. 12, 1974, 88 Stat. 82.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1482, 1512 of this title.

§ 1498. Rules and regulations.

The Secretary shall promulgate rules and regulations to carry out the provisions of this subchapter. (Pub. L. 93–262, title II, § 218, Apr. 12, 1974, 88 Stat. 82.)

SUBCHAPTER III.—INTEREST SUBSIDIES AND ADMINISTRATIVE EXPENSES

§ 1511. Interest subsidies; rules and regulations.

The Secretary is authorized under such rules and regulations as he may prescribe to pay as an interest subsidy on loans which are guaranteed or insured under the provisions of subchapter II of this chapter amounts which are necessary to reduce the rate payable by the borrower to the rate determined under section 1464 of this title. (Pub. L. 93–262, title III, § 301, Apr. 12, 1974, 88 Stat. 82.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1512 of this title.

§ 1512. Authorization of appropriations for Indian Loan Guaranty and Insurance Fund, interest subsidies, and administrative expenses.

There are authorized to be appropriated to the Secretary (a) to carry out the provisions of sections 1497 and 1511 of this title, such sums to remain available until expended, and (b) for administrative expenses under this chapter not to exceed $20,000,000 in each of the fiscal years 1975, 1976, and 1977. (Pub. L. 93–262, title III, § 302, Apr. 12, 1974, 88 Stat. 82.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1543 of this title.

SUBCHAPTER IV.—INDIAN BUSINESS GRANTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1541 of this title.

§ 1521. Indian Business Development Program; establishment; statement of purpose.

There is established within the Department of the Interior the Indian Business Development Program whose purpose is to stimulate and increase Indian entrepreneurship and employment by providing equity capital through nonreimbursable grants made by the Secretary of the Interior to Indians and Indian tribes to establish and expand profit-making Indian-owned economic enterprises on or near reservations. (Pub. L. 93–262, title IV, § 401, Apr. 12, 1974, 88 Stat. 82.)

§ 1522. Conditions.

(a) Limitation of amount.

No grant in excess of $50,000, or such lower amount as the Secretary may determine to be appropriate, may be made to an Indian or Indian tribe.

(b) Financing from other sources; inability to obtain funds; applicant's financial resources.

A grant may be made only to an applicant who, in the opinion of the Secretary, is unable to obtain adequate financing for its economic enterprise from other sources: *Provided*, That prior to making any grant under this subchapter, the Secretary shall assure that, where practical, the applicant has reasonably made available for the economic enterprise funds from the applicant's own financial resources.

(c) Same; percentage requirement.

No grant may be made to an applicant who is unable to obtain at least 60 per centum of the necessary funds for the economic enterprise from other sources. (Pub. L. 93–262, title IV, § 402, Apr. 12, 1974, 88 Stat. 83.)

§ 1523. Authorization of appropriations.

There are authorized to be appropriated not to exceed the sum of $10,000,000 for each of the fiscal years 1975, 1976, and 1977 for the purposes of this

subchapter. (Pub. L. 93–262, title IV, § 403, Apr. 12, 1974, 88 Stat. 83.)

§ 1524. Rules and regulations.

The Secretary of the Interior is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this chapter. (Pub. L. 93–262, title IV, § 404, Apr. 12, 1974, 88 Stat. 83.)

SUBCHAPTER V.—MISCELLANEOUS PROVISIONS

§ 1541. Competent management and technical assistance for economic enterprises.

Concurrent with the making or guaranteeing of any loan under subchapters I and II of this chapter and with the making of a grant under subchapter IV of this chapter, the purpose of which is to fund the development of an economic enterprise, the Secretary shall insure that the loan or grant applicant shall be provided competent management and technical assistance consistent with the nature of the enterprise being funded. (Pub. L. 93–262, title V, § 501, Apr. 12, 1974, 88 Stat. 83.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1542 of this title.

§ 1542. Agency cooperation; private contracts for management services and technical assistance.

For the purpose of providing the assistance required under section 1541 of this title, the Secretary is authorized to cooperate with the Small Business Administration and ACTION and other Federal agencies in the use of existing programs of this character in those agencies. In addition, the Secretary is authorized to enter into contracts with private organizations for providing such services and assistance. (Pub. L. 93–262, title V, § 502, Apr. 12, 1974, 88 Stat. 83.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1543 of this title.

§ 1543. Funds limitation for private contracts.

For the purpose of entering into contracts pursuant to section 1542 of this title, the Secretary is authorized to use not to exceed 5 per centum of any funds appropriated for any fiscal year pursuant to section 1512 of this title. (Pub. L. 93–262, title V, § 503, Apr. 12, 1974, 88 Stat. 83.)